

Supporting Statement
for
Information Collection Request

Motor Vehicle and Engine Compliance Program Fees (Renewal)

EPA ICR 2080.03

December 2006

Compliance and Innovative Strategies Division
Office of Transportation and Air Quality
Office of Air and Radiation
U.S. Environmental Protection Agency

Part A Of The Supporting Statement

1. Identification of the Information Collection

1(a) Title and Number of the Information Collection

Motor Vehicle and Engine Compliance Program Fees

1(b) Short Characterization

As required by the Clean Air Act (42 USC 7401 *et seq.*) the Environmental Protection Agency (EPA) has regulations establishing emission standards (and other requirements) for various classes of vehicles and engines. In accordance with the Clean Air Act, these regulations also require that compliance be demonstrated prior to EPA granting a "Certificate of Conformity". Such certification is necessary before the product can be introduced into commerce. In some instances, manufacturers and importers of regulated vehicles and engines are also subject to production line audits and in-use testing to assure compliance throughout the products' useful lives.

In the case of passenger cars, motorcycles, light trucks, and heavy-duty truck engines, EPA has charged fees for administering these compliance programs since 1992. In 2004, EPA promulgated regulations to add several classes of recently regulated vehicles and engines (referred to as "off-road" for convenience) to the fees program (69 FR 2621, May 11, 2004, effective July 12, 2004). The Information Collection Request for that rule was 2080.02, OMB 2060-0545, approved by OMB on March 18, 2004, through March 31, 2007. The present ICR 2080.03 is a renewal of that collection. It reflects the first year and a half of experience administering the new fees regulations. Passenger cars, motorcycles, light trucks, and heavy-duty truck engines were covered in the certification ICR, EPA ICR series 0783, OMB Control Number 2060-0104, which was renewed in ICR 0783.47 through November 30, 2008. In line with our efforts to disaggregate the certification ICR into rational program elements to the extent practicable, we combined all the certification fees in this ICR. (The "non-substantive change" paperwork for this transfer was submitted to EPA's Office of Environmental Information on December 1, 2007 and approved by OMB on December 22, 2006. This submission uses the adjusted baseline that results from that transfer.) This is a logical reorganization, because all fees are now processed as a single system, with the help of a single contractor, using the same fees staff; also, the online fee filing form combines the new off-road with the old on-road engine categories, and the other forms have been used for both since the expansion to cover off-road vehicles and engines.

In order to collect fees and accurately account for them, a certain amount of information is required, such as who is paying the fee, the category of vehicle or engine to which it applies, and the method of payment. Fees must be paid before EPA begins its review of the manufacturer's application. This information is used by EPA's Office of Air and Radiation, Office of Transportation and Air Quality, Certification and Innovative Strategies Division, to insure that the required fee has been paid before an application for

certification is processed. It also provides part of the documentation used by EPA's Office of Financial Services in processing fee refunds. In model year 2005, 290 separate manufacturing and importing corporate entities filed forms associated with approximately 2090 payments or refunds of certification fees.

The forms in use are the paper on-road and off-road fee filing forms, a correction form, a miscellaneous payments due form, and a refund request form; certain reduced fee payers are also required to file a year-end reduced fee report. The above named forms also exist online at www.Pay.gov, with the difference that the on-road and off-road filing forms are combined, and a template for the year-end report is provided as part of the miscellaneous payments due form.

It should be noted that this ICR does not include the burden of complying with the actual certification requirements, including the fees themselves; only the burdens associated with completing and filing the fee forms are covered here. Substantive certification burdens have been addressed elsewhere, including the on-road certification ICR, EPA ICR series 0783, OMB Control Number 2060-0104, and the various ICRs covering the off-road certification programs.

2. Need for and Use of the Collection

2(a) Need/Authority for the Collection

Information supplied on the fee filing form assures that the correct fee for certification has been paid and is posted to the appropriate account. This collection is authorized by the Clean Air Act (42 USC 7552) and the Independent Offices Appropriations Act (31 USC 9701).

2(b) Practical Utility/Users of the Data

EPA uses the information collected to verify that appropriate fees have been paid and that the amounts are posted to the proper account, that corrections are accurately entered, that fees match the engine families certified, that refunds are properly processed, and to provide a paper trail in the case of need to audit fee matters.

3. Nonduplication, Consultations and Other Collection Criteria

3(a) Nonduplication

The information contained on the fee forms is necessary to link the fees paid with certificates being reviewed and issued. At this time, these two data systems are separate, and without the fee filing form there would be no way to insure that fees are paid for each engine family prior to certification. In some but not all cases, financial documents contain engine family information in relevant data fields that could be used to associate payments

with engine families, but since this information is not always available, it is at present necessary to rely on the fee filing form. It is possible that, in the future, we may be able to make better use of this deposit information, although there are significant barriers to doing so.

3(b) Public Notice

A notice was published in the Federal Register (71 FR 54280, September 14, 2006) requesting public comment. No comments were received.

3(c) Consultations

EPA consulted with the following individuals in preparing this ICR:

<u>Individual</u>	<u>Firm</u>	<u>Telephone</u>
Bob Bock	Motor Science	(800) 806-2495
Sylvia Wahab	Automobile Concepts	(305) 893-1950
Kim Sinacola	General Motors	(248) 685-5641

3(d) Effects of Less Frequent Collection

The CAA requires that emission certification be done on a yearly basis (42 USC 7525(a)). EPA allows applicants to define their own annual production period, thus granting some flexibility in this regard. However, as certification is an annual event, submission of the fee payment information must also be on an annual basis.

3(e) General Guidelines

This information collection activity complies with the requirements of 5 CFR 1320.5(d).

3(f) Confidentiality

After a certificate of conformity has been issued, most information associated with the manufacturer/importer's application is available to the public. Under section 208 of the Clean Air Act (42 USC 7542(c)) all information, other than trade secret processes or methods, must be publicly available.

3(g) Sensitive Questions

No sensitive questions are asked in this information collection. This collection complies with the Privacy Act and OMB Circular A-108.

4. Respondents and Information Requested

4(a) Respondents/SIC Codes

The respondents are manufacturers or importers of various engines and vehicles. The following Standard Industrial Classification codes are associated with this information collection:

Category	NAICS Codes (1)	SIC Codes(2)	Examples of Potentially Regulated Entities
Industry	333111	3523	Farm Machinery and Equipment Manufacturing
Industry	333112	3524	Lawn and Garden Tractor and Home Lawn and Garden Equipment Manufacturing
Industry	333120	3531	Construction Machinery Manufacturing
Industry	333131	3532	Mining Machinery and Equipment Manufacturing
Industry	333132	3533	Oil & Gas Field Machinery
Industry	333210	3553	Sawmill & Woodworking Machinery
Industry	333924	3537	Industrial Truck, Tractor, Trailer, and Stacker Machinery Manufacturing
Industry	333991	3546	Power Driven Handtool Manufacturing
Industry	336111	3711	Automotive and Light-Duty Motor Vehicle Manufacturing
Industry	336120	3711	Heavy Duty Truck Manufacturing
Industry	336213	3716	Motor Home Manufacturing
Industry	336311	3592	Motor Vehicle Gasoline Engine and Engine Parts Manufacturing
Industry	336312	3714	Gasoline Engine & Engine Parts Manufacturing
Industry	336991	3751	Motorcycle, Bicycle, and Parts Manufacturing
Industry	336211	3711	Motor Vehicle Body Manufacturing
Industry	333618	3519	Gasoline, Diesel & dual-fuel engine Manufacturing
Industry	811310	7699	Commercial & Industrial Engine Repair and Maintenance
Industry	336999	3799	Other Transportation Equipment Manufacturing
Industry	421110	-----	Independent Commercial Importers of Vehicles and Parts
Industry	333612	3566	Speed Changer, Industrial High-speed Drive and Gear Manufacturing
Industry	333613	3568	Mechanical Power Transmission Equipment

			Manufacturing
Industry	333618	3519	Other Engine Equipment Manufacturing

- (1) North American Industry Classification System (NAICS)
- (2) Standard Industrial Classification (SIC) system code.

4(b) Information Requested

(i) Data items, including recordkeeping requirements.

Manufacturers of regulated vehicles and engines are required to pay fees to support EPA’s compliance activities. As such, they are required to submit certain information and undertake certain actions. Copies of the current paper forms are attached. The regulatory provisions governing their content are as follow:

Indication of fee category	40 CFR 85.2405
Request for fee reduction, if applicable	40 CFR 85.2406
Model year reduced fee payment report	40 CFR 85.2406(e)
Request for refund, if applicable	40 CFR 85.2407
Applicant information	40 CFR 85.2408

Reduced fee certificate holders are required to retain records pertaining to the reduced fee calculation for three years after the date of the certificate and produce them within thirty days upon request (40 CFR 85.2406(e)(5)).

(ii) Respondent Activities

Respondents prepare the fee filing form with the applicant’s name, address, the engine family being certified, the amount being paid, and the form of payment. If there is a mistake in the form (such as wrong engine family name, model year, change in manufacturer code, etc.), then the applicant prepares and submits a correction form. If there is an underpayment, the applicant normally prepares and submits an additional fee filing form, or a miscellaneous payments due form, with the additional payment. If there has been an overpayment or the application is denied or withdrawn, the applicant may prepare and submit a refund request form. Recently, the correction form has been modified to allow application of an overpayment to the fee for an upcoming certification request. This saves manufacturers the trouble and delay in preparing and receiving a refund and saves EPA the burden of processing such refund requests.

If the aggregate estimated retail sales value of the vehicles or engines (or, in the case of alternative fuels converters, of the value added by the conversion kit) is less than one percent of the full fee, the applicant may file a reduced fee equal to that one percent or \$750, whichever is greater. Most of these reduced fee applicants are independent commercial importers (ICIs). Such submissions are for a specific number of vehicles, or five vehicles if the number is less than six. Additional vehicles (such as additional imports) require an amended certificate and submission of additional one percent

payments with accompanying fee filing forms. Currently, reduced fee payees who initially paid for five or fewer vehicles are required to submit a model year reduced fee payment report at the end of the model year. EPA is in the process of reducing this requirement.

5. The Information Collected--Agency Activities, Collection Methodology, and Information Management

5(a) Agency Activities

Prior to reviewing an application for certification, EPA certification staff verify that the appropriate fee has been paid. EPA has hired a contractor to track all fee payments and fee forms. The contractor lists those engine families, and only those engine families, for which a fee filing form as well as the proper fee payment, including a reduced fee justification, where applicable, have been paid. EPA certification representatives are instructed not to issue certificates for engine families not listed in this database, which is prepared and distributed twice weekly within the Agency. For certificates issued through the electronic CFEIS ACGM (Automatic Certificate Generation Mechanism), the certificates that are generated are checked against this database before release; similarly, “fee paid” flags must be set in the new electronic Verify information system prior to certification. (Verify is the next generation computerized certification information system that is being rolled out in modules; at this writing, the first module, on-road motorcycles, and locomotives are being implemented, and the light duty vehicles module is in its initial rollout stage.) EPA fees staff uses information on fee filing forms to contact manufacturer representatives in case of problems or other fees business, such as obtaining account information for refund purposes or notification of underpayments. EPA’s Office of Financial Services records deposits to EPA’s certification account and processes fee refund payments.

5(b) Collection Methodology and Management

Fee payment documentation (such as bank batch reports and “ACT Reports”) as well as fee forms are collected by EPA's contractor. This documentation and the forms come from a variety of sources: downloaded Pay.gov forms and payment records, deposit records from EPA’s bank send by mail, forms received by the bank in connection with those payments, queries to the Federal Cashlink database, confirmatory deposit records from EPA’s Office of Financial Services, and forms emailed or faxed to EPA and forwarded to the contractor. The Office of Financial Services normally confirms payments using the same methods and receives duplicates of fee filing forms that have been processed through EPA’s bank. The contractor’s paper records and fees database as well as the Financial Services Division’s deposit records are available as an ongoing permanent record of fees payments and paperwork.

5(c) Small Entity Flexibility

Although the reduced fee provisions are not explicitly limited to small entities, nearly all of such applications are from small business Independent Commercial Importers, who qualify for all of EPA's provisions for small volume manufacturers.

5(d) Collection Schedule

While the manufacturer or importer must obtain certification on an annual basis, they have considerable flexibility in defining their annual production period. The fee filing form must be submitted prior to EPA's processing the application for emission certification. Correction forms, refund forms, and miscellaneous payments due forms are submitted as the need arises. Model year reduced fee payment reports are to be submitted by those required to so within 30 days of the end of the model year.

6. Estimating the Burden and Cost of the Collection

(a) Estimating Respondent Burden

The burden estimate for completing and sending the fee filing form, correction form, or miscellaneous payments form (0.3 hours) was determined from the consultations with industry representatives during the rulemaking covered by the previous ICR in this series. This is an estimated average; in the latest consultations the time per form estimates ranges from 2 minutes to 45 minutes per form. Some larger manufacturers have automated the process of preparing the fee filing form and wiring payment; their burden will be far less than 0.3 hours. Responses to the on-line payment option from those using it has been universally positive and on the low end of the time estimates. However, we do not yet have an accurate estimate of the percentage of responses using on-line filing and payment, as this option is relatively new.

Preparing the end of model year reduced fee report can be a considerably larger burden for a small number of businesses who handle many reduced fee engine families. Some foreign entities have experienced problems with transaction fees being deducted from their payments before they reach EPA, resulting in the need for additional payments to be filed before their applications can be cleared for processing. Such transactions can involve considerable correspondence with EPA. On the other hand, we have provided forms that can be filled out and filed on-line, and either paid on-line or off-line. Online payment methods include electronic funds transfer and credit card. We have received very positive response to this option, and the problem rate has been much lower than for paper filings. This burden estimate does not include the financial arrangements that manufacturers make for arranging these and other payments in the course of doing business (i.e., banking arrangements). Manufacturers may make one payment covering several certification fees, as long as the payment can be linked through the proper forms with the engine families being reviewed for certification. We have recently provided forms in fillable text format so that manufacturers can more easily fill out non-Pay.gov forms at their computer rather than copying and filling them out by hand, as some manufacturers had been doing.

EPA estimates requesting a reduced fee or refund will take about 0.6 hours per submission. This time may be greater in the case of additional payments for additional vehicles under the same reduced fee engine family, but it will be less in simpler cases. Prior to the new fees regulations, a reduced fee waiver had to have been applied for and received separately from and prior to the fee payment. Currently, reduced fee payments only require stating the estimated aggregate sales value of the vehicles covered and the one percent calculation thereof in support of the payment; this calculation has been incorporated into the online and paper fee filing forms. We do expect manufacturers to be able to support such estimates upon request. While there is no standard form for this information, at a minimum it requires a statement of projected sales and prices; such information is necessary for ordinary business planning purposes in any event.

6(b) Estimating Respondent Costs

(i) Estimating Labor Costs.

The estimated cost for labor is adjusted downward from \$100 per hour in ICR 2080.02 to be more consistent with related ICRs. Because of the wide variety of industries covered, labor costs are considered to be approximated by the motor vehicle manufacturing industry, NAICS 336100. Rates for engineering managers, mechanical engineers, and secretaries (except legal, medical, and executive) are from the May 2005 BLS National Industry-Specific Occupational Employment and Wage Estimates (http://www.bls.gov/oes/current/naics4_336100.htm , accessed August 22, 2006). With a 160% overhead multiplier, these are \$81.38, \$49.71, and \$33.57, respectively. For some manufacturers, filing fee forms is largely secretarial; many others use technicians, and many foreign manufacturers hire local agents to handle application mechanics. We allocate labor for form filing as 10, 40, and 50 percent respectively among these three categories for regular fees and as 100 percent managerial for reduced fees and refunds.

(ii) Estimating Capital and Operations and Maintenance Costs

The baseline contains an \$858 O&M cost from the on-road program for recordkeeping. There were no capital or operations and maintenance costs associated with this collection's recordkeeping in ICR 2080.02. This \$858 O&M cost has been increased to cover all the submissions, not just on-road. These costs are not easily separable from such costs for certification in general, but reduced fee recordkeeping had an additional burden specified in the regulations (40 CFR 85.2406((e)(5) and therefore is estimated as requiring an additional \$2 per filing. Refund recordkeeping also is more burdensome and estimated at an additional \$2 per filing. There are some postage costs for those manufacturers who choose to submit checks and fee filing forms by surface mail; their number is expected to decrease as online payments and online or email form filing options continue to increase in use. Many manufacturers who submit forms and checks through the mails rely on private mail services (such as FedEx). We have added a \$3.00 reporting cost per submission as O&M cost for getting the forms to EPA (i.e., postage and handling).

(iii) Capital/Start-up vs. Operating and Maintenance (O&M) Costs

There are no capital or start-up costs associated with this collection.

6(c) Estimating Agency Burden

The fees program is administered overall by a fees team in EPA's Compliance and Innovative Strategies Division. Secondly it is administered by each of the certification representatives in the Division, who have a responsibility of determining that fees have been paid prior to certification review, and by EPA's contractor. In addition, EPA's Office of Financial Services (OFS) keeps deposit records and processes fee refunds. Forty percent of one GS 12 full time equivalent (FTE) employee, twenty-five percent of another GS 12 FTE, and fifty percent of one Senior Environmental Employee (SEE) Program employee (the SEE Program is an employment program for older workers authorized by the Environmental Programs assistance Act, passed by Congress in 1984, and provides employment opportunities to senior citizens age 55 and over), are allocated to the fees team. An additional one percent of five FTE and 14 SEE employees is also allocated to fees-related activity in the process of certification reviews. Government cost is based on a GS-12 salary for professional engineers (\$34.35/hr) obtained from the Office of Personal Management; and \$12.74/hr for SEE employees, with a 1.6 multiplier for overhead applied to both. The contract work for the upcoming period is estimated as \$100,000 per year. The OFS cost is estimated as 302 hours and \$9,565 annually. The estimated total Agency cost is \$212,479.

6(d) Estimating the Respondent Universe and Total Burden and Costs

Our certification fees database for model year 2006 lists 419 separate manufacturers that submitted fees. These respondents vary from large, multinational corporations to small independent commercial importers. Many small foreign manufacturers have recently entered the motorcycle and small, off-road spark ignition engine certification processes. Roughly 200 of the 419 can be considered small businesses.

EPA queried its certification fees database for the numbers of fee filing forms, correction forms, miscellaneous payment forms, and refund request forms received, in paper form or downloaded from Pay.gov. Because the Pay.gov option has only been available since November, 2005, we do not yet have a reliable estimate of the proportion of fee forms and payments received by this method. We are also receiving an increasing number of fee forms as email attachments. We expect the percentages of both to continue to increase. We also queried the number of fee filing forms that were associated with reduced fee payments, and counted the number of year-end reduced fee reports. These tallies are considered accurate to within ten percent. It includes both on-road and off-road categories:

Total full fee filing or miscellaneous payments forms	1815
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Total reduced fee forms	133
Correction forms	133
Refund request forms	51
TOTAL	2132

The least precise of these tallies is for refund request forms. Twenty-two refunds were processed by OFS in calendar year 2005; through July, 2006, there have been 35 for calendar year 2006. The increase may be due to the \$750 payment minimum that became effective for reduced fees in July, 2004. A total of fifty-one per year for the entire fees program during the duration of this renewal seems prudent. Of the refund requests received in 2006, approximately five may be considered year-end reduced fee reports. (The number of end of year reports may change under technical amendments to the fees regulations anticipated in a proposed rulemaking to cover new locomotive and marine engines; if so, a minor adjustment in the number of refund requests may be appropriate in the future.)

6(e) Bottom Line Burden Hours and Cost

(i) Respondent Tally

Bottom-line burden and costs per year for the combined on-road and off-road certification fees program are summarized in Table 1. EPA estimates a total of 2132 responses and 694.8 hours per year for the next three years at a total cost to the industry of \$46,198, of which \$11,028 is allocated to O&M and the rest to labor.

(ii) Agency tally

EPA estimates that it takes approximately 2,082 hours and \$212,479 per year to administer the entire certification fees program.

6(f) Reasons For Change In Burden

ICR 2080.02 for off-road fees had a bottom line tally of 500 hours and \$50,000 in labor costs per year of reporting respondent burden. ICR 0783.47 had a bottom line tally of 129 hours and \$11,643, of which \$858 was O&M and \$10,785 was labor for the light-duty portion of the fees program. The present ICR replaces these two estimates with one combined estimate that is based on an actual count of forms submitted under the new fees rule rather than a count of categories of respondents. In addition, this ICR adjusts the estimated time to complete refund and correction forms, and adjusts the O&M cost and labor costs as discussed above. These changes are adjustments. In addition, 35 new off-road forms and a proportionate number of reduced fee, correction, and refund forms, have been added in anticipation of new stationary source compression ignition engines that are projected to have applications for certification submitted beginning with model year 2007 (see ICR 1684.10, Proposed Rule for Locomotive and Marine Engines).

Table 1
Annual Respondent Burden and Cost

Information Collection Activity	Annual average burden and cost per response						Number of responses	Annual capital & startup costs	Total Hours and Costs	
	Mgr. @ \$81.38/hr	Tech. @ \$49.71/hr	Clerical @ \$33.57/hr	Hours per response	Labor cost per response	O&M cost per response			Total hours per year	Total costs per year
Fee Filing Form	0.03	0.12	0.15	0.3	\$13.44	\$5	1815	\$0	544.5	\$33,472
Reduced Fee	0.6	0	0	0.6	\$48.83	\$7	133	\$0	79.8	\$7,425
Correction Form	0.03	0.12	0.15	0.3	\$13.44	\$5	133	\$0	39.9	\$2,453
Fee Refund Form	0.6	0	0	0.6	\$48.83	\$7	51	\$0	30.6	\$2,847
TOTAL	Total O&M Cost = \$11,028						2132	\$0	694.8	\$46,198

6(g) Burden Statement

The annual public reporting and recordkeeping burden for this collection of information is estimated to average 0.3 hours for each fee transaction. The total burden is 694.8 hours/year. These estimates include time to review applicable regulations and guidance documents, generate and gather the necessary information, and submit documents. Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a Federal agency. This includes the time needed to review instructions; develop, acquire, install, and utilize technology and systems for the purposes of collecting, validating, and verifying information, processing and maintaining information, and disclosing and providing information; adjust the existing ways to comply with any previously applicable instructions and requirements; train personnel to be able to respond to a collection of information; search data sources; complete and review the collection of information; and transmit or otherwise disclose the information. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. The OMB control numbers for EPA's regulations are listed in 40 CFR part 9 and 48 CFR chapter 15.

To comment on the Agency's need for this information, the accuracy of the provided burden estimates, and any suggested methods for minimizing respondent burden, including the use of automated collection techniques, EPA has established a public docket for this ICR under Docket ID No. EPA-HQ-OAR-2006-0742 which is available for online viewing at www.regulations.gov, or in person viewing at the Air and Radiation Docket and Information Center in the EPA Docket Center (EPA/DC), EPA West, Room 3334, 1301 Constitution Avenue, NW, Washington, D.C. The EPA Docket Center Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Reading Room is (202) 566-1744, and the telephone number for the Air and Radiation Docket and Information Center is (202) 566-1742. An electronic version of the public docket is available at www.regulations.gov. This site can be used to submit or view public comments, access the index listing of the contents of the public docket, and to access those documents in the public docket that are available electronically. When in the system, select "search," then key in the Docket ID Number identified above. Also, you can send comments to the Office of Information and Regulatory Affairs, Office of Management and Budget, 725 17th Street, NW, Washington, DC 20503, Attention: Desk Office for EPA. Please include the EPA Docket ID No. EPA-HQ-OAR-2006-0742 and OMB Control Number 2060-0545 in any correspondence.

Attachment I

Legal Authority

42 USC 7552. - Motor vehicle compliance program fees

(a) Fee collection. Consistent with section 9701 of title 31, the Administrator may promulgate (and from time to time revise) regulations establishing fees to recover all reasonable costs to the Administrator associated with -

(1) new vehicle or engine certification under section 7525(a) of this title or part C of this subchapter,

(2) new vehicle or engine compliance monitoring and testing under section 7525(b) of this title or part C of this subchapter, and

(3) in-use vehicle or engine compliance monitoring and testing under section 7541(c) of this title or part C of this subchapter.

The Administrator may establish for all foreign and domestic manufacturers a fee schedule based on such factors as the Administrator finds appropriate and equitable and nondiscriminatory, including the number of vehicles or engines produced under a certificate of conformity. In the case of heavy-duty engine and vehicle manufacturers, such fees shall not exceed a reasonable amount to recover an appropriate portion of such reasonable costs.

(b) Special Treasury fund. Any fees collected under this section shall be deposited in a special fund in the United States Treasury for licensing and other services which thereafter shall be available for appropriation, to remain available until expended, to carry out the Agency's activities for which the fees were collected.

(c) Limitation on fund use. Moneys in the special fund referred to in subsection (b) of this section shall not be used until after the first fiscal year commencing after the first July 1 when fees are paid into the fund.

(d) Administrator's testing authority. Nothing in this subsection shall be construed to limit the Administrator's authority to require manufacturer or confirmatory testing as provided in this part

31 USC. 9701. - Fees and charges for Government services and things of value

(a) It is the sense of Congress that each service or thing of value provided by an agency (except a mixed-ownership Government corporation) to a person (except a person on official business of the United States Government) is to be self-sustaining to the extent possible.

(b) The head of each agency (except a mixed-ownership Government corporation) may prescribe regulations establishing the charge for a service or thing of value provided by the agency. Regulations prescribed by the heads of executive agencies are subject to

policies prescribed by the President and shall be as uniform as practicable. Each charge shall be -

(1) fair; and

(2) based on -

(A) the costs to the Government;

(B) the value of the service or thing to the recipient;

(C) public policy or interest served; and

(D) other relevant facts.

(c) This section does not affect a law of the United States -

(1) prohibiting the determination and collection of charges and the disposition of those charges; and

(2) prescribing bases for determining charges, but a charge may be redetermined under this section consistent with the prescribed bases.