

U.S. DEPARTMENT OF TRANSPORTATION
FEDERAL AVIATION ADMINISTRATION

FOREIGN ASSISTANCE COST WAIVER AUTHORIZATION

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FORM PURPOSE

FAA Form 1240-6 ensures the FAA's adherence to the statutory requirements governing the provision of foreign assistance and the Administrator's ability to seek and/or waive the associated reimbursable costs. This form supersedes past practices and removes the unnecessary burden of lengthy memos to justify and authorize cost waivers for the reimbursement of foreign assistance. This form is for internal purposes only and is not for public use.

BACKGROUND

49 U.S.C. §40113(e) states, "The Administrator may provide safety-related training and operational services to foreign aviation authorities (whether public or private) with or without reimbursement, if the Administrator determines that providing such services promotes aviation safety or efficiency. The Administrator may also provide technical assistance related to all aviation safety-related training and operational services in connection with bilateral and multilateral agreements, including further bolstering the components of airmanship."

This statute authorizes the FAA's provision of assistance to foreign aviation authorities, with or without reimbursement. Foreign aviation authorities are foreign public or private entities who have responsibilities to regulate and oversee the safe civil aviation operations of the airspace and aviation products of a country or region. The types of foreign assistance identified in this statute are safety-related training, operational services, and technical assistance. The terms are not defined in statute, so the FAA has defined them with several other related terms in FAA Order 1240.18, *International Agreements, International Contracts, and Non-binding Instruments*.

By granting the FAA the authority to provide these types of foreign assistance "with or without reimbursement," congress permitted the FAA to make its own determination as to whether to seek reimbursement or waive costs for foreign assistance. However, the statute requires the FAA to "actively seek reimbursement for services provided under this subsection from foreign aviation authorities capable of providing such reimbursement." The statute does not define "services provided under this subsection," but based its use in neighboring statutes, "services" is interpreted to include safety-related training, operational services, and technical assistance related to both safety-related training and operational services. Therefore, the Administrator must actively seek reimbursement from foreign aviation authorities capable of providing it before authorizing a cost waiver.

The statute does not limit the basis for determining whether foreign aviation authorities are capable of reimbursement. Therefore, the determination is fact-specific and may include consideration of economic factors, bureaucratic challenges, lack of legal authority, availability of funds, or other factors. The FAA considers countries designated as low-income and lower-middle-income by the World Bank as *not capable of providing reimbursement*. This form will serve as a record, data collection tool, and decision matrix in considering other cost waiver justifications.

JUSTIFICATION

Cost waiver justification must be carefully considered and must not be confused with any justification(s) for the provision of foreign assistance. For example, a good justification for foreign assistance may be its benefit to aviation safety; but this is a poor justification for a cost waiver. Cost waiver justifications must minimally describe the reason(s) the foreign entity is incapable of providing reimbursement, and why the expense is warranted for the benefit of the American public. This form introduces Cost Waiver Justification Codes to simplify the process and enable data collection for future analysis. The Cost Waiver Justification Codes are based on the State Department's Foreign Assistance Standardized Program Structure and Definitions (SPSD). The information collection enabling these determinations is covered by OMB No. 2120-0818 under the Paperwork Reduction Act.

AUTHORITY

FAA Orders 1100.1 and 1240.18 contain the Administrator's delegation of authority to seek or waive the reimbursement of costs for foreign assistance to the Assistant Administrator for Policy, International Affairs, and Environment (APL-1), and thereafter redelegated to the Executive Director (API-1) and Deputy Executive Director (API-2) of the Office of International Affairs. The decision to seek or waive reimbursement for foreign assistance must be made by AOA-1, APL-1, API-1, or API-2, who each have final signature authority.

OPR

The Office of International Affairs (API) is the Office of Primary Responsibility for this form and for Order 1240.18. For questions or assistance, contact 9-APL-API-Resources@faa.gov.

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FOREIGN ASSISTANCE COST WAIVER AUTHORIZATION

SECTION 1. COST WAIVER REQUEST (To be completed by the requesting LOB and/or SO)

Authorization is requested to waive reimbursable costs associated with the foreign assistance (technical assistance, safety-related training, or operational services) described within the international agreement referenced below. No person may waive reimbursable costs except in accordance with the provisions of FAA Order 1100.1 and FAA Order 1240.18. This form ensures and records the FAA's compliance with 49 U.S.C. § 40113(e).

FAA INTERNATIONAL AGREEMENT NUMBER:	FAA BILLING NUMBER:
REQUESTING LOB OR SO CONCURRENCE: (Select One)	SUPPORTING SO CONCURRENCE: (If applicable) (Select One)
TOTAL REIMBURSABLE COST: (Attach a detailed cost estimate)	AMOUNT REQUESTED FOR WAIVER:
COST WAIVER JUSTIFICATION: (Select one) (Select One)	COMMENTS:

SECTION 2. COST WAIVER ASSESSMENT (To be completed by the requesting LOB and/or SO)

- Is the recipient of the foreign assistance a foreign aviation authority? (This excludes foreign entities such as ICAO, e.g. if ICAO, select NO.)
☐ YES → Proceed to Question 2. ☐ NO → STOP. No cost waiver necessary.
- Is the foreign assistance recipient's state classified as Low-Income or Low-Middle-Income by The World Bank? (Reference [GLIDE](#) or [AIMS](#).)
☐ YES → Costs may be waived, continue to Section 3. ☐ NO → Proceed to Question 3.
- Did the FAA – in writing – actively seek reimbursement? (49 U.S.C. § 40113 requires this action. Attach evidence to this form.)
☐ YES → Proceed to Question 4. ☐ NO → STOP. Costs may not be waived. Do not submit request.
- Did the recipient of the foreign assistance respond – in writing – demonstrating their inability to provide reimbursement?
☐ YES → Costs may be waived, continue to Section 3. ☐ NO → STOP. Costs may not be waived.

SECTION 3. COST WAIVER AUTHORIZATION (To be completed by API)

The reimbursable costs for the foreign assistance referenced above are hereby waived under the authority granted to the FAA by 49 U.S.C. § 40113. This authorization is subject to cancellation at any time upon notice by the Administrator or the authorized signatory named below.

AS DELEGATED BY THE ADMINISTRATOR



EXECUTIVE NAME

EXECUTIVE SIGNATURE

(Select One)

EXECUTIVE TITLE

DATE

SECTION 4. REFERENCES

Foreign Aviation Authority. Governmental or non-governmental foreign entities responsible for regulating and/or oversight civil aerospace systems and products, such as CAAs, ANSPs, or RSOs.

Cost Waiver Justification Codes.

- 001 Investment in Aerospace Safety.** The foreign entity's lack of resources is outweighed by the benefit to the American flying public and the safety of the global aerospace ecosystem.
- 002 Strategic Partnership.** Strategic engagement with foreign entities who will, in turn, engage with other foreign entities to promote U.S. standards and interests where we may not be able to.
- 003 Commercial Interest.** Promotion of U.S. exports in new markets, or the improvement of the environments in which U.S. companies compete.
- 004 National Security.** Prevention of incursion of foreign influence; securing of U.S. base rights; counterterrorism efforts; mitigations of threats to health and welfare; or other support activities.
- 005 Humanitarian Concern.** Humanitarian assistance in response to crises and disasters, or development assistance aimed at reducing poverty, fighting disease, and other forms of suffering.

Actively Seeking Reimbursement. For a legally complaint method of actively seeking reimbursement, refer to the sample reimbursement request letter on the next page of this form. Alternative methods of compliance may include sending a billing statement to the foreign entity or including the reimbursable costs and terms in the agreement negotiations with the foreign entity. All methods must be written.

RESET

+ ATTACHMENTS

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SAMPLE REIMBURSEMENT REQUEST LETTER



U.S. Department
of Transportation
**Federal Aviation
Administration**

Office of Policy, International Affairs, and Environment

800 Independence Avenue, SW
Washington, DC 20591

[date]

[name & title]
[organization]
[street address]
[city & state/country address]

Dear [name],

The Federal Aviation Administration (FAA) is required by U.S. law to seek reimbursement for certain types of foreign assistance. We are thereby seeking reimbursement for the provision of [describe the foreign assistance] to your organization. The cost of these services is USD \$[cost]. Arrangements for reimbursement will be detailed within an agreement between the FAA and your organization that facilitates the provision of the services mentioned above.

If the [organization] is not able to reimburse the FAA, please provide an explanation so that we may consider waiving such costs or explore alternative arrangements with you.

Sincerely,

[name]
[title]
[office or division]