

Union Calendar No. 370

116TH CONGRESS
2^D SESSION

H. R. 5119

[Report No. 116-462]

To amend title 49, United States Code, to require certain air carriers to provide reports with respect to maintenance, preventive maintenance, or alterations, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 15, 2019

Mr. DEFAZIO (for himself, Ms. BROWNLEY of California, Mr. GARAMENDI, Mr. GARCÍA of Illinois, Ms. NORTON, Mr. SIRES, Mr. PAPPAS, and Mr. KATKO) introduced the following bill; which was referred to the Committee on Transportation and Infrastructure

JULY 29, 2020

Additional sponsors: Mr. FITZPATRICK, Mr. CARSON of Indiana, Mr. SMITH of New Jersey, Mr. LIPINSKI, Mrs. FLETCHER, Mr. POCAN, Mrs. DEMINGS, Mr. BACON, Mr. LYNCH, and Mr. HORSFORD

JULY 29, 2020

Reported from the Committee on Transportation and Infrastructure; committed to the Committee of the Whole House on the State of the Union and ordered to be printed

A BILL

To amend title 49, United States Code, to require certain air carriers to provide reports with respect to maintenance, preventive maintenance, or alterations, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Safe Aircraft Mainte-
5 nance Standards Act”.

6 **SEC. 2. SENSE OF CONGRESS.**

7 It is the sense of Congress that—

8 (1) the safety of the United States aviation sys-
9 tem requires the highest standards for aircraft main-
10 tenance, repair, and overhaul work;

11 (2) the safety of aircraft operated by United
12 States air carriers should not be dependent on the
13 location where maintenance, repair, and overhaul
14 work is performed; and

15 (3) the Federal Aviation Administration must
16 fully enforce its standards for maintenance, repair,
17 and overhaul work at every facility, whether in the
18 United States or abroad, where such work is per-
19 formed on aircraft operated by United States air
20 carriers.

21 **SEC. 3. OVERSIGHT OF REPAIR STATIONS LOCATED OUT-**
22 **SIDE THE UNITED STATES.**

23 (a) IN GENERAL.—Section 44733 of title 49, United
24 States Code, is amended—

1 (1) in the heading by striking “**Inspection**”
2 and inserting “**Oversight**”;

3 (2) in subsection (e)—

4 (A) by inserting “, without prior notice,”
5 after “annually”; and

6 (B) by striking the last sentence and in-
7 serting “The Administrator may carry out an-
8 nounced or unannounced inspections in addition
9 to the annual unannounced inspection required
10 under this subsection based on identified
11 risks.”;

12 (3) by redesignating subsection (g) as sub-
13 section (k); and

14 (4) by inserting after subsection (f) the fol-
15 lowing:

16 “(g) DATA ANALYSIS.—

17 “(1) IN GENERAL.—An air carrier conducting
18 operations under part 121 of title 14, Code of Fed-
19 eral Regulations, shall provide to the responsible
20 Flight Standards office of the Administration, not
21 later than the last day of each calendar month, a re-
22 port containing the information described in para-
23 graph (2) with respect to maintenance, preventive
24 maintenance, or alteration of an aircraft that is per-
25 formed during the preceding calendar month.

1 “(2) INFORMATION REQUIRED.—A report under
2 paragraph (1) shall contain the following informa-
3 tion:

4 “(A) The location where any maintenance,
5 preventive maintenance, or alteration was per-
6 formed outside the United States.

7 “(B) A description of the work performed
8 at each such location.

9 “(C) The date of completion of the work
10 performed at each such location.

11 “(D) The total man-hours associated with
12 completing the work performed at each such lo-
13 cation.

14 “(E) A list of all failures, malfunctions, or
15 defects affecting the safe operation of an air-
16 craft identified by the air carrier as requiring
17 corrective action after return to service, orga-
18 nized by reference to aircraft registration num-
19 ber.

20 “(F) The certificate number of the person
21 approving an aircraft, or a powerplant or part,
22 for return to service following completion of the
23 work performed at each such location.

24 “(3) UPDATES.—Not later than 180 days after
25 the date on which an aircraft returns to service, an

1 air carrier shall update the information described in
2 paragraph (2)(E) with respect to any failure, mal-
3 function, or defect discovered by the air carrier fol-
4 lowing return to service during such period.

5 “(4) ANALYSIS.—The Administrator shall—

6 “(A) analyze reports submitted under
7 paragraph (1) of this subsection and sections
8 121.703, 121.705, 121.707, and 145.221 of
9 title 14, Code of Federal Regulations, or any
10 successor provisions, to detect safety issues as-
11 sociated with maintenance, preventive mainte-
12 nance, and alterations performed outside the
13 United States; and

14 “(B) require appropriate actions in re-
15 sponse to such reports.

16 “(h) ANNUAL REPORTING REQUIREMENT.—

17 “(1) IN GENERAL.—Not later than 1 year after
18 the date of enactment of this subsection, and annu-
19 ally thereafter, each air carrier conducting oper-
20 ations under part 121 of title 14, Code of Federal
21 Regulations, shall upload to the online repository de-
22 scribed in paragraph (2) a report containing—

23 “(A) a minimum of 1 year of heavy main-
24 tenance work history for each aircraft (orga-
25 nized by reference to aircraft registration num-

1 ber) that conducted operations under such part
2 121 during the previous calendar year;

3 “(B) the percentage and total number of
4 mechanics carrying out maintenance, preventive
5 maintenance, or alterations on aircraft for the
6 air carrier during the previous year who are
7 employees and who are not employees of the air
8 carrier;

9 “(C) the percentage and total number of
10 mechanics certified under part 65 of such title
11 carrying out maintenance, preventive maintenance,
12 or alterations on aircraft for the air carrier
13 during the previous year who are based and
14 who are not based in the United States;

15 “(D) the percentage and total number of
16 mechanics, regardless of certification, carrying
17 out maintenance, preventive maintenance, or alterations
18 on aircraft for the air carrier during
19 the previous year who are based and who are
20 not based in the United States;

21 “(E) the percentage and total number of
22 mechanics carrying out maintenance, preventive
23 maintenance, or alterations on aircraft for the
24 air carrier during the previous year who are

1 certified under part 65 of such title and who
2 are not certified under part 65 of such title;

3 “(F) other information to be provided by
4 the air carrier regarding maintenance, safety,
5 and the aircraft fleet of the carrier that is of
6 interest to the traveling public, as determined
7 appropriate by the Administrator;

8 “(G) all locations where aircraft in the
9 fleet of such air carrier have undergone heavy
10 maintenance work in the past 3 years, listed by
11 total man-hours; and

12 “(H) all locations where heavy mainte-
13 nance work on an aircraft may be carried out
14 for the air carrier under an existing contract.

15 “(2) ONLINE REPOSITORY.—The Administrator
16 shall establish an online repository for information
17 submitted under paragraph (1) that allows an air
18 carrier to electronically upload the data required to
19 be submitted under such paragraph.

20 “(i) INTERNATIONAL STANDARDS FOR SAFETY
21 OVERSIGHT OF CIVIL AVIATION.—

22 “(1) APPLICATIONS AND REQUESTS FOR RE-
23 NEWAL.—

24 “(A) IN GENERAL.—The Administrator
25 may not approve any application or request for

1 renewal under part 145 of title 14, Code of
2 Federal Regulations, from a person located or
3 headquartered in a country that the Adminis-
4 tration, through the International Aviation
5 Safety Assessment program, has classified as
6 Category 2.

7 “(B) MAINTENANCE IMPLEMENTATION
8 PROCEDURES AGREEMENT.—The Administrator
9 may elect not to enter into a maintenance im-
10 plementation procedures agreement with a
11 country that the Administrator has classified as
12 Category 2 to the extent the Administrator de-
13 termines is necessary to comply with the re-
14 quirements of this subsection.

15 “(2) CONTINUED HEAVY MAINTENANCE
16 WORK.—No air carrier conducting operations under
17 part 121 of title 14, Code of Federal Regulations,
18 may contract for heavy maintenance work with a
19 person located or headquartered in a country that
20 the Administration, through the International Avia-
21 tion Safety Assessment program, has classified as
22 Category 2.

23 “(j) MINIMUM QUALIFICATIONS FOR MECHANICS
24 AND OTHERS WORKING ON U.S.-REGISTERED AIR-
25 CRAFT.—

1 “(1) IN GENERAL.—Not later than 1 year after
2 the date of enactment of this subsection, the Admin-
3 istrator shall require that, at each covered repair
4 station—

5 “(A) all supervisory personnel are appro-
6 priately certificated as a mechanic or repairman
7 under part 65 of title 14, Code of Federal Reg-
8 ulations;

9 “(B) all personnel authorized to approve
10 an article for return to service are appropriately
11 certificated as a mechanic or repairman under
12 part 65 of such title; and

13 “(C) all personnel performing required in-
14 spections under part 145 of such title are ap-
15 propriately certificated as a mechanic or repair-
16 man under part 65 of such title.

17 “(2) PHYSICAL PRESENCE.—Not later than 1
18 year after the date of enactment of this subsection,
19 the Administrator shall require that any individual
20 who is responsible for authorization of return of an
21 article to service or who is directly in charge of
22 maintenance, preventive maintenance, or alterations
23 performed on aircraft operated under part 121 of
24 title 14, Code of Federal Regulations—

1 “(A) be physically present near the aircraft
2 and available for consultation while work is
3 being performed; or

4 “(B) personally perform the work.”.

5 (b) DEFINITION OF COVERED REPAIR STATION.—

6 (1) IN GENERAL.—Section 44733(k) of title 49,
7 United States Code (as redesignated by this sec-
8 tion), is amended—

9 (A) by redesignating paragraphs (1)
10 through (3) as paragraphs (2) through (4); and

11 (B) by inserting before paragraph (2), as
12 so redesignated, the following:

13 “(1) COVERED REPAIR STATION.—The term
14 ‘covered repair station’ means a facility that—

15 “(A) is located outside the United States;

16 “(B) is certificated under part 145 of title
17 14, Code of Federal Regulations; and

18 “(C) performs maintenance, preventive
19 maintenance, or alterations of aircraft, includ-
20 ing powerplants and parts of such aircraft, op-
21 erated under part 121 of title 14, Code of Fed-
22 eral Regulations.”.

23 (2) TECHNICAL AMENDMENT.—Section
24 44733(a)(3) of title 49, United States Code, is

1 amended by striking “covered part 145 repair sta-
2 tions” and inserting “part 145 repair stations”.

3 (c) CONFORMING AMENDMENTS.—The analysis for
4 chapter 447 of title 49, United States Code, is amended
5 by striking the item relating to section 44733 and insert-
6 ing the following:

“44733. Oversight of repair stations located outside the United States.”.

7 **SEC. 4. MORATORIUM.**

8 (a) MORATORIUM ON ISSUANCE OF PART 145 CER-
9 TIFICATE.—Beginning on the date that is 1 year after the
10 date of enactment of this Act, the Administrator may not
11 issue any new certificate under part 145 of title 14, Code
12 of Federal Regulations, with respect to a facility located
13 outside the United States until—

14 (1) the final rule required under section
15 2112(b) of the FAA Extension, Safety, and Security
16 Act of 2016 (Public Law 114–190) has been issued;

17 (2) the Administrator has issued the final rule
18 required under subsection (b); and

19 (3) any regulatory changes required by this Act
20 or the amendments made by this Act have been im-
21 plemented.

22 (b) FINAL RULE ON ASSESSMENT REQUIREMENT.—
23 With respect to any employee not covered under the re-
24 quirements of section 1554.101 of title 49, Code of Fed-
25 eral Regulations, the Administrator shall issue a final rule

1 that requires a covered repair station to confirm that any
2 such employee has successfully completed an assessment
3 commensurate with a security threat assessment described
4 in subpart C of part 1540 of such title.

5 **SEC. 5. DEFINITIONS.**

6 In this Act, unless otherwise specified, the following
7 definitions apply:

8 (1) ADMINISTRATOR.—The term “Adminis-
9 trator” means the Administrator of the Federal
10 Aviation Administration.

11 (2) COVERED REPAIR STATION.—The term
12 “covered repair station” means a facility that—

13 (A) is located outside the United States;

14 (B) is certificated under part 145 of title
15 14, Code of Federal Regulations; and

16 (C) performs maintenance, preventive
17 maintenance, or alterations of aircraft, includ-
18 ing powerplants and parts of such aircraft, op-
19 erated under part 121 of title 14, Code of Fed-
20 eral Regulations.

21 **SEC. 6. TECHNICAL AND CLERICAL AMENDMENTS.**

22 (a) SECTION 44737.—Chapter 447 of title 49, United
23 States Code, is amended by redesignating the second sec-
24 tion 44737 (as added by section 581 of the FAA Reau-
25 thorization Act of 2018) as section 44740.

1 (b) ANALYSIS.—The analysis for chapter 447 of title
2 49, United States Code, is amended—

3 (1) by striking the item relating to the second
4 section 44737 (as added by section 581 of the FAA
5 Reauthorization Act of 2018); and

6 (2) by inserting after the item relating to sec-
7 tion 44739 the following new item:

“44740. Special rule for certain aircraft operations.”.

8 (c) SPECIAL RULE FOR CERTAIN AIRCRAFT OPER-
9 ATIONS.—Section 44740 of title 49, United States Code
10 (as redesignated by subsection (a)), is amended—

11 (1) in the heading by striking the period at the
12 end;

13 (2) in subsection (a)(1) by striking “chapter”
14 and inserting “section”;

15 (3) in subsection (b)(1) by striking “(1)” the
16 second place that it appears; and

17 (4) in subsection (c)(2) by adding a period at
18 the end.

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