

116TH CONGRESS
1ST SESSION

H. R. 5119

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

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—

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

4 (2) the safety of aircraft operated by United
5 States air carriers should not be dependent on the
6 location where maintenance, repair, and overhaul
7 work is performed; and

8 (3) the Federal Aviation Administration must
9 fully enforce its standards for maintenance, repair,
10 and overhaul work at every facility, whether in the
11 United States or abroad, where such work is per-
12 formed on aircraft operated by United States air
13 carriers.

14 **SEC. 3. OVERSIGHT OF REPAIR STATIONS LOCATED OUT-**
15 **SIDE THE UNITED STATES.**

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

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

20 (2) in subsection (e)—

21 (A) by inserting “, without prior notice,”
22 after “annually”; and

23 (B) by striking the last sentence and in-
24 serting “The Administrator may carry out an-
25 nounced or unannounced inspections in addition

1 to the annual unannounced inspection required
2 under this subsection based on identified
3 risks.”;

4 (3) by redesignating subsection (g) as sub-
5 section (k); and

6 (4) by inserting after subsection (f) the fol-
7 lowing:

8 “(g) DATA ANALYSIS.—

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

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

21 “(A) The location where any maintenance,
22 preventive maintenance, or alteration was per-
23 formed outside the United States.

24 “(B) A description of the work performed
25 at each such location.

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

3 “(D) The total man-hours associated with
4 completing the work performed at each such lo-
5 cation.

6 “(E) A list of all failures, malfunctions, or
7 defects affecting the safe operation of an air-
8 craft identified by the air carrier as requiring
9 corrective action after return to service, orga-
10 nized by reference to aircraft registration num-
11 ber.

12 “(F) The certificate number of the person
13 approving an aircraft, or a powerplant or part,
14 for return to service following completion of the
15 work performed at each such location.

16 “(3) UPDATES.—Not later than 180 days after
17 the date on which an aircraft returns to service, an
18 air carrier shall update the information described in
19 paragraph (2)(E) with respect to any failure, mal-
20 function, or defect discovered by the air carrier fol-
21 lowing return to service during such period.

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

23 “(A) analyze reports submitted under
24 paragraph (1) of this subsection and sections
25 121.703, 121.705, 121.707, and 145.221 of

1 title 14, Code of Federal Regulations, or any
2 successor provisions, to detect safety issues as-
3 sociated with maintenance, preventive mainte-
4 nance, and alterations performed outside the
5 United States; and

6 “(B) require appropriate actions in re-
7 sponse to such reports.

8 “(h) ANNUAL REPORTING REQUIREMENT.—

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

15 “(A) a minimum of 1 year of heavy main-
16 tenance work history for each aircraft (orga-
17 nized by reference to aircraft registration num-
18 ber) that conducted operations under such part
19 121 during the previous calendar year;

20 “(B) the percentage and total number of
21 mechanics carrying out maintenance, preventive
22 maintenance, or alterations on aircraft for the
23 air carrier during the previous year who are
24 employees and who are not employees of the air
25 carrier;

1 “(C) the percentage and total number of
2 mechanics certified under part 65 of such title
3 carrying out maintenance, preventive maintenance,
4 or alterations on aircraft for the air carrier
5 during the previous year who are based and
6 who are not based in the United States;

7 “(D) the percentage and total number of
8 mechanics, regardless of certification, carrying
9 out maintenance, preventive maintenance, or alterations
10 on aircraft for the air carrier during
11 the previous year who are based and who are
12 not based in the United States;

13 “(E) the percentage and total number of
14 mechanics carrying out maintenance, preventive
15 maintenance, or alterations on aircraft for the
16 air carrier during the previous year who are
17 certified under part 65 of such title and who
18 are not certified under part 65 of such title;

19 “(F) other information to be provided by
20 the air carrier regarding maintenance, safety,
21 and the aircraft fleet of the carrier that is of
22 interest to the traveling public, as determined
23 appropriate by the Administrator;

24 “(G) all locations where aircraft in the
25 fleet of such air carrier have undergone heavy

1 maintenance work in the past 3 years, listed by
2 total man-hours; and

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

6 “(2) ONLINE REPOSITORY.—The Administrator
7 shall establish an online repository for information
8 submitted under paragraph (1) that allows an air
9 carrier to electronically upload the data required to
10 be submitted under such paragraph.

11 “(i) INTERNATIONAL STANDARDS FOR SAFETY
12 OVERSIGHT OF CIVIL AVIATION.—

13 “(1) APPLICATIONS AND REQUESTS FOR RE-
14 NEWAL.—

15 “(A) IN GENERAL.—The Administrator
16 may not approve any application or request for
17 renewal under part 145 of title 14, Code of
18 Federal Regulations, from a person located or
19 headquartered in a country that the Adminis-
20 tration, through the International Aviation
21 Safety Assessment program, has classified as
22 Category 2.

23 “(B) MAINTENANCE IMPLEMENTATION
24 PROCEDURES AGREEMENT.—The Administrator
25 may elect not to enter into a maintenance im-

1 plementation procedures agreement with a
2 country that the Administrator has classified as
3 Category 2 to the extent the Administrator de-
4 termines is necessary to comply with the re-
5 quirements of this subsection.

6 “(2) CONTINUED HEAVY MAINTENANCE
7 WORK.—No air carrier conducting operations under
8 part 121 of title 14, Code of Federal Regulations,
9 may contract for heavy maintenance work with a
10 person located or headquartered in a country that
11 the Administration, through the International Avia-
12 tion Safety Assessment program, has classified as
13 Category 2.

14 “(j) MINIMUM QUALIFICATIONS FOR MECHANICS
15 AND OTHERS WORKING ON U.S.-REGISTERED AIR-
16 CRAFT.—

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

21 “(A) all supervisory personnel are appro-
22 priately certificated as a mechanic or repairman
23 under part 65 of title 14, Code of Federal Reg-
24 ulations;

1 “(B) all personnel authorized to approve
2 an article for return to service are appropriately
3 certificated as a mechanic or repairman under
4 part 65 of such title; and

5 “(C) all personnel performing required in-
6 spections under part 145 of such title are ap-
7 propriately certificated as a mechanic or repair-
8 man under part 65 of such title.

9 “(2) PHYSICAL PRESENCE.—Not later than 1
10 year after the date of enactment of this subsection,
11 the Administrator shall require that any individual
12 who is responsible for authorization of return of an
13 article to service or who is directly in charge of
14 maintenance, preventive maintenance, or alterations
15 performed on aircraft operated under part 121 of
16 title 14, Code of Federal Regulations—

17 “(A) be physically present near the aircraft
18 and available for consultation while work is
19 being performed; or

20 “(B) personally perform the work.”.

21 (b) DEFINITION OF COVERED REPAIR STATION.—

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

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

3 (B) by inserting before paragraph (2), as
4 so redesignated, the following:

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

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

8 “(B) is certificated under part 145 of title
9 14, Code of Federal Regulations; and

10 “(C) performs maintenance, preventive
11 maintenance, or alterations of aircraft, includ-
12 ing powerplants and parts of such aircraft, op-
13 erated under part 121 of title 14, Code of Fed-
14 eral Regulations.”.

15 (2) TECHNICAL AMENDMENT.—Section
16 44733(a)(3) of title 49, United States Code, is
17 amended by striking “covered part 145 repair sta-
18 tions” and inserting “part 145 repair stations”.

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

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

23 **SEC. 4. MORATORIUM.**

24 (a) MORATORIUM ON ISSUANCE OF PART 145 CER-
25 TIFICATE.—Beginning on the date that is 1 year after the

1 date of enactment of this Act, the Administrator may not
2 issue any new certificate under part 145 of title 14, Code
3 of Federal Regulations, with respect to a facility located
4 outside the United States until—

5 (1) the final rule required under section
6 2112(b) of the FAA Extension, Safety, and Security
7 Act of 2016 (Public Law 114–190) has been issued;

8 (2) the Administrator has issued the final rule
9 required under subsection (b); and

10 (3) any regulatory changes required by this Act
11 or the amendments made by this Act have been im-
12 plemented.

13 (b) FINAL RULE ON ASSESSMENT REQUIREMENT.—
14 With respect to any employee not covered under the re-
15 quirements of section 1554.101 of title 49, Code of Fed-
16 eral Regulations, the Administrator shall issue a final rule
17 that requires a covered repair station to confirm that any
18 such employee has successfully completed an assessment
19 commensurate with a security threat assessment described
20 in subpart C of part 1540 of such title.

21 **SEC. 5. DEFINITIONS.**

22 In this Act, unless otherwise specified, the following
23 definitions apply:

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

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

6 (A) is located outside the United States;

7 (B) is certificated under part 145 of title
8 14, Code of Federal Regulations; and

9 (C) performs maintenance, preventive
10 maintenance, or alterations of aircraft, includ-
11 ing powerplants and parts of such aircraft, op-
12 erated under part 121 of title 14, Code of Fed-
13 eral Regulations.

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

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

19 (b) ANALYSIS.—The analysis for chapter 447 of title
20 49, United States Code, is amended—

21 (1) by striking the item relating to the second
22 section 44737 (as added by section 581 of the FAA
23 Reauthorization Act of 2018); and

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

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

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

4 (1) in the heading by striking the period at the
5 end;

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

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

10 (4) in subsection (c)(2) by adding a period at
11 the end.

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