

GLOBAL AIRCRAFT MAINTENANCE SAFETY
IMPROVEMENT ACT

SEPTEMBER 28, 2022.—Committed to the Committee of the Whole House on the
State of the Union and ordered to be printed

Mr. DEFazio, from the Committee on Transportation and
Infrastructure, submitted the following

R E P O R T

[To accompany H.R. 7321]

The Committee on Transportation and Infrastructure, to whom
was referred the bill (H.R. 7321) 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, having considered the same, reports favorably
thereon with an amendment and recommends that the bill as
amended do pass.

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The amendment is as follows:

Strike all after the enacting clause and insert the following:

SEC. 1. SHORT TITLE.

This Act may be cited as the “Global Aircraft Maintenance Safety Improvement Act”.

SEC. 2. SENSE OF CONGRESS.

It is the sense of Congress that—

(1) the safety of the global aviation system requires the highest standards for aircraft maintenance, repair, and overhaul work;

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

(3) the Federal Aviation Administration must fully enforce, in a manner consistent with United States obligations under international agreements, Federal Aviation Administration standards for maintenance, repair, and overhaul work at every facility, whether in the United States or abroad, where such work is performed on aircraft operated by United States air carriers.

SEC. 3. FAA OVERSIGHT OF REPAIR STATIONS LOCATED OUTSIDE THE UNITED STATES.

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

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

(2) in subsection (e)—

(A) by inserting “, without prior notice to such repair stations,” after “annually”;

(B) by inserting “and the applicable laws of the country in which a repair station is located” after “international agreements”; and

(C) by striking the last sentence and inserting “The Administrator may carry out announced or unannounced inspections in addition to the annual unannounced inspection required under this subsection based on identified risks and in a manner consistent with United States obligations under international agreements and with the applicable laws of the country in which a repair station is located.”;

(3) by redesignating subsection (g) as subsection (j); and

(4) by inserting after subsection (f) the following:

“(g) DATA ANALYSIS.—

“(1) IN GENERAL.—An air carrier conducting operations under part 121 of title 14, Code of Federal Regulations, shall provide to the appropriate office of the Administration, not later than every year, a report containing the information described in paragraph (2) with respect to heavy maintenance work on aircraft (including on-wing aircraft engines) performed in the preceding year.

“(2) INFORMATION REQUIRED.—A report under paragraph (1) shall contain the following information:

“(A) The location where any heavy maintenance work on aircraft (including on-wing aircraft engines) was performed outside the United States.

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

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

“(D) A list of all failures, malfunctions, or defects affecting the safe operation of such aircraft identified by the air carrier within 30 days after the date on which an aircraft is returned to service, organized by reference to aircraft registration number, that—

“(i) requires corrective action after the aircraft is approved to return to service; and

“(ii) results from the work performed on such aircraft.

“(E) The certificate number of the person approving such aircraft or aircraft engine, for return to service following completion of the work performed at each such location.

“(3) ANALYSIS.—The Administrator of the Federal Aviation Administration shall—

“(A) analyze information made available under paragraph (1) of this subsection and sections 121.703, 121.705, 121.707, and 145.221 of title 14, Code of Federal Regulations, or any successor provisions, to detect safety issues associated with heavy maintenance work on aircraft (including on-wing aircraft engines) performed outside the United States; and

“(B) require appropriate actions in response.

“(4) CONFIDENTIALITY.—Information made available under paragraph (1) shall be subject to the same protections given to voluntarily-provided safety or security related information under section 40123.

“(h) APPLICATIONS AND REQUESTS FOR RENEWAL.—

“(1) IN GENERAL.—The Administrator may not approve any new application under part 145 of title 14, Code of Federal Regulations, from a person located

or headquartered in a country that the Administration, through the International Aviation Safety Assessment program, has classified as Category 2.

“(2) MAINTENANCE IMPLEMENTATION PROCEDURES AGREEMENT.—The Administrator may elect not to enter into a new maintenance implementation procedures agreement with a country classified as Category 2, for as long as that country remains classified as Category 2, if the Administrator determines that doing so is necessary to comply with the requirements of this subsection.

“(3) CONTINUED HEAVY MAINTENANCE WORK.—No air carrier conducting operations under part 121 of title 14, Code of Federal Regulations, may enter into a new contract for heavy maintenance work with a person located or headquartered in a country that the Administration, through the International Aviation Safety Assessment program, has classified as Category 2, for as long as such country remains classified as Category 2.

“(i) MINIMUM QUALIFICATIONS FOR MECHANICS AND OTHERS WORKING ON U.S. REGISTERED AIRCRAFT.—

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

“(A) all supervisory personnel are appropriately certificated as a mechanic or repairman under part 65 of title 14, Code of Federal Regulations, or under an equivalent certification or licensing regime, as determined by the Administrator; and

“(B) all personnel authorized to approve an article for return to service are appropriately certificated as a mechanic or repairman under part 65 of such title, or under an equivalent certification or licensing regime, as determined by the Administrator.

“(2) AVAILABLE FOR CONSULTATION.—Not later than 1 year after the date of enactment of this subsection, the Administrator shall require any individual who is responsible for authorization of return of an article to service or who is directly in charge of aircraft (including on-wing aircraft engine) maintenance performed on aircraft operated under part 121 of title 14, Code of Federal Regulations, be available for consultation while work is being performed.”.

(b) DEFINITION OF COVERED REPAIR STATION.—

(1) IN GENERAL.—Section 44733(j) of title 49, United States Code (as redesignated by this section), is amended—

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

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

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

“(A) is located outside the United States;

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

“(C) performs heavy maintenance work on aircraft (including on-wing aircraft engines) operated under part 121 of title 14, Code of Federal Regulations.”.

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

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

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

SEC. 4. INTERNATIONAL STANDARDS FOR SAFETY OVERSIGHT OF FOREIGN REPAIR STATIONS.

(a) FOREIGN REPAIR STATION WORKING GROUP.—Not later than 60 days after the date of enactment of this Act, the Administrator shall convene a foreign repair station working group with other civil aviation authorities (hereinafter referred to as “repair station working group”) to conduct a review of the certification and oversight of foreign repair stations and to identify any future enhancements that might be appropriate to strengthen oversight of such repair stations.

(b) COMPOSITION OF THE REPAIR STATION WORKING GROUP.—The repair station working group shall consist of—

(1) technical representatives from the FAA; and

(2) such other civil aviation authorities or international intergovernmental aviation safety organizations as the Administrator shall invite that are willing to participate, including—

- (A) civil aviation authorities responsible for certificating foreign repair stations; and
- (B) civil aviation authorities of countries in which foreign repair stations are located.
- (c) CONSULTATION.—In conducting the review under this section, the repair station working group shall, as appropriate, consult with relevant experts and stakeholders.
- (d) RECOMMENDATIONS.—The repair station working group shall make recommendations with respect to any future enhancements that might be appropriate to—

- (1) strengthen oversight of foreign repair stations; and
- (2) better leverage the resources of other civil aviation authorities to conduct such oversight.

(e) REPORTS.—

- (1) REPAIR STATION WORKING GROUP REPORT.—Not later than 1 year after the date of the first meeting of the repair station working group, the repair station working group shall submit to the Administrator a report containing the findings of the review and each recommendation made under subsection (d).

(2) FAA REPORTS.—

- (A) TRANSMISSION OF REPAIR STATION WORKING GROUP REPORT.—The Administrator shall submit to the Committee on Transportation and Infrastructure of the House of Representatives, and the Committee on Commerce, Science, and Transportation of the Senate the report required under paragraph (1) as soon as is practicable after the receipt of such report.

- (B) FAA REPORT TO CONGRESS.—Not later than 45 days after receipt of the Report under paragraph (1), the Administrator shall submit to the Committee on Transportation and Infrastructure of the House of Representatives, and the Committee on Commerce, Science, and Transportation of the Senate a report containing—

- (i) a statement of whether the Administrator concurs or does not concur with each recommendation contained in the report required under paragraph (1);
- (ii) for any recommendation with which the Administrator does not concur, a detailed explanation as to why the Administrator does not concur;
- (iii) a plan to implement each recommendation related to FAA oversight of foreign repair stations contained in such report with which the Administrator concurs; and
- (iv) a plan to work with the international community to implement the recommendations applicable to both the FAA as well as other civil aviation authorities.

- (f) TERMINATION.—The repair station working group shall terminate on the earlier of the date of submission of the report under subsection (e)(1) or on the date that is 2 years after the repair station working group is commissioned under subsection (a).

- (g) DEFINITION OF FOREIGN REPAIR STATION.—In this section, the term “foreign repair station” means a repair station located outside of the territory of the country of the civil aviation authority which certificated the repair station, including repair stations certified under part 145 of title 14, Code of Federal Regulations, which are located outside the United States and the territories of the United States.

SEC. 5. ALCOHOL AND DRUG TESTING AND BACKGROUND CHECKS.

- (a) IN GENERAL.—Beginning on the date that is 24 months after the date of enactment of this Act, the Administrator may not approve or authorize international travel for any employee of the Federal Aviation Administration until a final rule carrying out the requirements of subsection (b) of section 2112 of the FAA Extension, Safety, and Security Act of 2016 (Public Law 114–190) have been published in the Federal Register.

- (b) RULEMAKING ON ASSESSMENT REQUIREMENT.—With respect to any employee not covered under the requirements of section 1554.101 of title 49, Code of Federal Regulations, the Administrator shall initiate a rulemaking that requires a covered repair station to confirm that any such employee has successfully completed an assessment commensurate with a security threat assessment described in subpart C of part 1540 of such title.

- (c) EXCEPTIONS.—The prohibition in subsection (a) shall not apply to international travel that is determined by the Administrator on an individual by individual basis to be—

- (1) exclusively for the purpose of conducting a safety inspection;

- (2) directly related to aviation safety standards, certification, and oversight;
or
- (3) vital to the national interests of the United States.
- (d) NON-DELEGATION AND REPORTING.—For any determination to make an exception based on the criteria in paragraph (2) or (3) of subsection (c), the Administrator—
 - (1) may not delegate the authority to make such a determination to any other individual; and
 - (2) shall report to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate not later than 3 days after making each determination under subsection (c)—
 - (A) the name of the individual approved or authorized to travel internationally;
 - (B) the location to which the individual is traveling;
 - (C) a detailed explanation of why the Administrator has determined the travel is—
 - (i) directly related to aviation safety standards, certification, and oversight; or
 - (ii) vital to the national interests of the United States; and
 - (D) a detailed description of the status of the rulemakings described in subsection (a).

SEC. 6. DEFINITIONS.

In this Act:

- (1) FAA.—The term “FAA” means the Federal Aviation Administration.
- (2) ADMINISTRATOR.—The term “Administrator” means the Administrator of the FAA.
- (3) COVERED REPAIR STATION.—The term “covered repair station” means a facility that—
 - (A) is located outside the United States;
 - (B) is certificated under part 145 of title 14, Code of Federal Regulations; and
 - (C) performs heavy maintenance work on aircraft (including on-wing aircraft engines), operated under part 121 of title 14, Code of Federal Regulations.

PURPOSE OF LEGISLATION

The purpose of H.R. 7321, as amended, is to improve the safety oversight of aircraft maintenance that is performed on U.S. airlines’ fleets in foreign countries by the Federal Aviation Administration (FAA).

BACKGROUND AND NEED FOR LEGISLATION

The FAA is responsible for ensuring the safety of U.S. registered aircraft, regardless of where they are operated around the world. The global nature of the aviation industry means that activity overseas can directly affect the safety of the traveling public in U.S. airspace. One challenge to FAA’s oversight is aircraft repair stations located outside the United States. While the FAA certifies foreign repair stations, there are concerns that some rules applicable to repair stations in the United States are not necessarily equally applied or implemented to foreign repair stations.

Airlines’ spending on contract maintenance and repair services nearly tripled between 1996 and 2011, according to the Department of Transportation Inspector General’s (DOT IG) most recent report on the issue, rising from \$1.5 billion in 1996 to \$4.2 billion in 2011.¹ Moreover, according to the Transport Workers Union of

¹Dept. of Transp., Off. of Inspector Gen., *Audit Report—FAA Continues to Face Challenges in Implemented a Risk-Based Approach for Repair Station Oversight*, Report No. AV-2013-073

America, “the number of [FAA certified repair stations outside of the United States] has grown by more than 40 percent in the past six years.”² In 2013, the DOT IG found that the FAA’s repair station oversight “lacks the rigor needed to identify deficiencies and verify that they have been addressed” and “some repair stations may not be operating in full compliance” with FAA rules.³

In 2016, Congress directed the FAA to require drug and alcohol testing and pre-employment background investigations of foreign repair station employees who perform safety-sensitive functions.⁴ The FAA has failed to satisfy either mandate, which would assure the flying public that the personnel working on a U.S.-operated aircraft have been adequately screened. These, among other measures, would help ensure that foreign repair stations follow the same safety and security standards that the FAA requires of maintenance work done in the United States.

HEARINGS

For the purposes of rule XIII, clause 3(c)(6)(A) of the 117th Congress, no hearings were held to develop or consider H.R. 7321.

The following related hearings were held:

On October 21, 2021, the Subcommittee on Aviation held a hearing titled “Three Years After Lion Air 610: FAA Implementation of the 2020 Aircraft Certification, Safety, and Accountability Act.” The Subcommittee received testimony from the Hon. Steve Dickson, Administrator, Federal Aviation Administration, Department of Transportation. This hearing examined ongoing work within the Federal Aviation Administration to implement provisions of the *Aircraft Certification, Safety, and Accountability Act* (Division D of Pub. L. 116–260).

In the 116th Congress, on July 17, 2019, the Subcommittee on Aviation held a hearing titled “State of Aviation Safety.” The Subcommittee received testimony from Mr. Paul Njoroge, husband of Carolyn Karanja, father of Ryan Njuguna, Kelli Pauls, Rubi Pauls, and son-in-law of Anne Karanja, victims of flight ET302, testifying on behalf of the Families of Ethiopian Airlines Flight 302, accompanied by Mr. Michael Stumo, father of Samya Stumo, victim of ET302; Ms. Dana Schulze, Acting Director, Office of Aviation Safety, NTSB; Mr. Joseph G. DePete, President, Air Line Pilots Association, International; Ms. Lori Bassani, National President, The Association of Professional Flight Attendants; Mr. Michael Perrone, National President, Professional Aviation Safety Specialists; and Mr. John Samuelson, International President, Transport Workers Union.

LEGISLATIVE HISTORY AND CONSIDERATION

H.R. 7321, the “*Safe Aircraft Maintenance Standards Act*”, was introduced on March 31, 2022, by Mr. DeFazio and 13 original cosponsors and referred to the Committee on Transportation and In-

(May 1, 2013), available at <https://www.oig.dot.gov/sites/default/files/FAA%20Repair%20Station%20Oversight%5E5-1-13.pdf>.

²Press Release: *The TWU Endorses the Safe Aircraft Maintenance Standards Act*, Transp. Workers Union–AFLCIO (March 31, 2022), available at <https://www.twu.org/press-release-the-twu-endorses-the-safe-aircraft-maintenance-standards-act/>.

³DOT OIG *supra* note 1.

⁴P.L. 114–190; § 2112.

frastructure. Within the Committee, H.R. 7321 was referred to the Subcommittee on Aviation.

The Subcommittee on Aviation was discharged from further consideration of H.R. 7321 on June 15, 2022.

The Committee considered H.R. 7321 on June 15, 2022, and ordered the measure to be favorably reported to the House, as amended, by a record vote of 49 yeas and 5 nays (Roll Call No. 97).

The following amendments were offered:

An Amendment in the Nature of a Substitute to H.R. 7321, offered by Mr. DeFazio, was AGREED TO by voice vote. (*Pursuant to the passage of the Amendment in the Nature of a Substitute to H.R. 7321, the short title of the measure was revised as the “Global Aircraft Maintenance Safety Improvement Act.”*)

COMMITTEE VOTES

Clause 3(b) of rule XIII of the Rules of the House of Representatives requires each committee report to include the total number of votes cast for and against on each record vote on a motion to report and on any amendment offered to the measure or matter, and the names of those members voting for and against.

Committee on Transportation and Infrastructure Roll Call Vote No. 97

On: Agreeing to final passage of H.R. 7321, as amended.

Agreed to: 49 yeas and 5 nays.

Member	Vote	Member	Vote
Mr. DeFazio	Yea	Mr. Graves of MO	Yea
Ms. Norton	Yea	Mr. Crawford	Yea
Ms. Johnson of TX	Yea	Mr. Gibbs	Yea
Mr. Larsen of WA	Yea	Mr. Webster	Yea
Mrs. Napolitano	Yea	Mr. Massie	Nay
Mr. Cohen	Yea	Mr. Perry	Nay
Mr. Sires	Yea	Mr. Rodney Davis of IL	Yea
Mr. Garamendi	Yea	Mr. Katko	Yea
Mr. Johnson of GA	Yea	Mr. Babin	Nay
Mr. Carson	Yea	Mr. Graves of LA	Yea
Ms. Titus	Yea	Mr. Rouzer	Yea
Mr. Maloney of NY	Yea	Mr. Bost	Yea
Mr. Huffman	Yea	Mr. Weber of TX	Yea
Ms. Brownley	Yea	Mr. LaMalfa	Yea
Ms. Wilson of FL	Yea	Mr. Westerman	Yea
Mr. Payne	Yea	Mr. Mast	Yea
Mr. Lowenthal	Yea	Mr. Gallagher	Yea
Mr. DeSaulnier	Yea	Mr. Fitzpatrick	Yea
Mr. Lynch	Yea	Miss González-Colón	Yea
Mr. Carbajal	Yea	Mr. Balderson	Yea
Mr. Brown of MD	Yea	Mr. Stauber	Yea
Mr. Malinowski	Yea	Mr. Burchett	Nay
Mr. Stanton	Yea	Mr. Johnson of SD	Yea
Mr. Allred	Yea	Mr. Van Drew	Yea
Ms. Davids of KS	Yea	Mr. Guest	Yea
Mr. García of IL	Yea	Mr. Nehls	Yea
Mr. Pappas	Yea	Ms. Mace	Yea
Mr. Lamb	Yea	Ms. Malliotakis	Yea
Mr. Moulton	Yea	Ms. Van Dyne	Nay
Mr. Auchincloss	Yea	Mr. Gimenez	Yea
Ms. Bourdeaux	Yea	Mrs. Steel	Yea
Mr. Kahele	Yea		
Ms. Strickland	Yea		
Ms. Williams of GA	Yea		
Ms. Newman	Yea		

Member	Vote	Member	Vote
Mr. Carter of LA	Yea		
Mrs. Cherrilus-McCormack	Yea		

COMMITTEE OVERSIGHT FINDINGS

With respect to the requirements of clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, the Committee's oversight findings and recommendations are reflected in this report.

NEW BUDGET AUTHORITY AND TAX EXPENDITURES

With respect to the requirements of clause 3(c)(2) of rule XIII of the Rules of the House of Representatives and section 308(a) of the Congressional Budget Act of 1974 and with respect to requirements of clause (3)(c)(3) of rule XIII of the Rules of the House of Representatives and section 402 of the Congressional Budget Act of 1974, the Committee has requested but not received a cost estimate for this bill from the Director of Congressional Budget Office. The Committee has requested but not received from the Director of the Congressional Budget Office a statement as to whether this bill contains any new budget authority, spending authority, credit authority, or an increase or decrease in revenues or tax expenditures. The Chairman of the Committee shall cause such estimate and statement to be printed in the *Congressional Record* upon its receipt by the Committee.

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

With respect to the requirement of clause 3(c)(3) of rule XIII of the Rules of the House of Representatives, a cost estimate provided by the Congressional Budget Office pursuant to section 402 of the Congressional Budget Act of 1974 was not made available to the Committee in time for the filing of this report. The Chairman of the Committee shall cause such estimate to be printed in the *Congressional Record* upon its receipt by the Committee.

PERFORMANCE GOALS AND OBJECTIVES

With respect to the requirement of clause 3(c)(4) of rule XIII of the Rules of the House of Representatives, the performance goal and objective of this legislation is to provide that foreign repair stations follow substantially similar safety and security standards that the FAA requires of maintenance work done in the United States.

DUPLICATION OF FEDERAL PROGRAMS

Pursuant to clause 3(c)(5) of rule XIII of the Rules of the House of Representatives, the Committee finds that no provision of H.R. 7321, as amended, establishes or reauthorizes a program of the federal government known to be duplicative of another federal program, a program that was included in any report from the Government Accountability Office to Congress pursuant to section 21 of Public Law 111-139, or a program related to a program identified in the most recent Catalog of Federal Domestic Assistance.

CONGRESSIONAL EARMARKS, LIMITED TAX BENEFITS, AND LIMITED TARIFF BENEFITS

In compliance with clause 9 of rule XXI of the Rules of the House of Representatives, this bill, as reported, contains no congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(e), 9(f), or 9(g) of the rule XXI.

FEDERAL MANDATES STATEMENT

An estimate of federal mandates prepared by the Director of the Congressional Budget Office pursuant to section 423 of the Unfunded Mandates Reform Act was not made available to the Committee in time for the filing of this report. The Chairman of the Committee shall cause such estimate to be printed in the *Congressional Record* upon its receipt by the Committee.

PREEMPTION CLARIFICATION

Section 423 of the Congressional Budget Act of 1974 requires the report of any Committee on a bill or joint resolution to include a statement on the extent to which the bill or joint resolution is intended to preempt state, local, or tribal law. The Committee finds that H.R. 7321, as amended, does not preempt any state, local, or tribal law.

ADVISORY COMMITTEE STATEMENT

No advisory committees within the meaning of section 5(b) of the Federal Advisory Committee Act were created by this legislation.

APPLICABILITY TO LEGISLATIVE BRANCH

The Committee finds that the legislation does not relate to the terms and conditions of employment or access to public services or accommodations within the meaning of section 102(b)(3) of the Congressional Accountability Act (Public Law 104-1).

SECTION-BY-SECTION ANALYSIS OF THE LEGISLATION

Section 1. Short title

This section provides that this bill may be cited as the “Global Aircraft Maintenance Safety Improvement Act”.

Sec. 2. Sense of Congress

This section expresses the sense of Congress that the safety of the United States aviation system requires the highest standards for aircraft maintenance, repair, and overhaul work and that the safety of aircraft operated by United States air carriers should not be dependent on where maintenance, repair, and overhaul work is performed.

Sec. 3. Oversight of repair stations located outside the United States

Requires that all foreign repair stations be subject to at least one unannounced inspection each year.

Requires air carriers to submit detailed reports to the FAA each year listing mechanical issues attributable to heavy maintenance performed outside the United States, and requires the FAA to sub-

ject those reports, as well as existing safety reports, to robust data analysis to detect trends and correct them.

Prohibits the FAA from approving any new application of a part 145 certificate from a repair station located in countries designated by the FAA as category 2 (which means that a country is out of compliance with International Civil Aviation Organization standards) and prohibits air carriers from entering into new contracts to conduct heavy maintenance in such countries.

Requires that supervisors and individuals who authorize aircraft for return to service must hold FAA mechanic or repairman certificates or an equivalent license and be available for consultation.

Sec. 4. International standards for safety oversight and foreign repair stations

Requires that the FAA administrator convene a foreign repair station working group with other civil aviation authorities to conduct a review of the certification and oversight of foreign repair stations and to identify any future enhancements that might be appropriate to strengthen oversight of such repair stations.

Sec. 5. Alcohol and drug testing and background checks

Starting two years after enactment, the bill prohibits FAA officials from travelling internationally if previously mandated final rules on drug and alcohol testing and a threat assessment of employees at foreign repair stations are not implemented. There are exceptions to the moratorium if the official travel is (1) conducting safety inspections; (2) directly related to aviation safety standards, certification, and oversight; or (3) vital to the national interests of the United States.

Sec. 5. Definitions

This section defines the terms used in this Act.

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3(e) of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman):

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3(e) of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italics, and existing law in which no change is proposed is shown in roman):

TITLE 49, UNITED STATES CODE

* * * * *

SUBTITLE VII—AVIATION PROGRAMS

* * * * *

PART A—AIR COMMERCE AND SAFETY

* * * * *

SUBPART iii—SAFETY

* * * * *

CHAPTER 447—SAFETY REGULATION

Sec.

44701. General requirements.

* * * * *

[44733. Inspection of repair stations located outside the United States.]

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

* * * * *

§ 44733. [Inspection] Oversight of repair stations located outside the United States

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this section, the Administrator of the Federal Aviation Administration shall establish and implement a safety assessment system for all part 145 repair stations based on the type, scope, and complexity of work being performed. The system shall—

(1) ensure that repair stations located outside the United States are subject to appropriate inspections based on identified risks and consistent with existing United States requirements;

(2) consider inspection results and findings submitted by foreign civil aviation authorities operating under a maintenance safety or maintenance implementation agreement with the United States; and

(3) require all maintenance safety or maintenance implementation agreements to provide an opportunity for the Administration to conduct independent inspections of **[covered part 145 repair stations]** *part 145 repair stations* when safety concerns warrant such inspections.

(b) NOTICE TO CONGRESS OF NEGOTIATIONS.—The Administrator shall notify the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives not later than 30 days after initiating formal negotiations with foreign aviation authorities or other appropriate foreign government agencies on a new maintenance safety or maintenance implementation agreement.

(c) ANNUAL REPORT.—The Administrator shall publish an annual report on the Administration's oversight of part 145 repair stations and implementation of the safety assessment system required under subsection (a). The report shall—

(1) describe in detail any improvements in the Administration's ability to identify and track where part 121 air carrier repair work is performed;

- (2) include a staffing model to determine the best placement of inspectors and the number of inspectors needed;
- (3) describe the training provided to inspectors; and
- (4) include an assessment of the quality of monitoring and surveillance by the Administration of work performed by its inspectors and the inspectors of foreign authorities operating under a maintenance safety or maintenance implementation agreement.

(d) ALCOHOL AND CONTROLLED SUBSTANCES TESTING PROGRAM REQUIREMENTS.—

(1) IN GENERAL.—The Secretary of State and the Secretary of Transportation, acting jointly, shall request the governments of foreign countries that are members of the International Civil Aviation Organization to establish international standards for alcohol and controlled substances testing of persons that perform safety-sensitive maintenance functions on commercial air carrier aircraft.

(2) APPLICATION TO PART 121 AIRCRAFT WORK.—Not later than 1 year after the date of enactment of this section, the Administrator shall promulgate a proposed rule requiring that all part 145 repair station employees responsible for safety-sensitive maintenance functions on part 121 air carrier aircraft are subject to an alcohol and controlled substances testing program determined acceptable by the Administrator and consistent with the applicable laws of the country in which the repair station is located.

(e) ANNUAL INSPECTIONS.—The Administrator shall ensure that part 145 repair stations located outside the United States are inspected annually, *without prior notice to such repair stations*, by Federal Aviation Administration safety inspectors, without regard to where the station is located, in a manner consistent with United States obligations under international agreements *and the applicable laws of the country in which a repair station is located*. [The Administrator may carry out inspections in addition to the annual inspection required under this subsection based on identified risks.] *The Administrator may carry out announced or unannounced inspections in addition to the annual unannounced inspection required under this subsection based on identified risks and in a manner consistent with United States obligations under international agreements and with the applicable laws of the country in which a repair station is located.*

(f) RISK-BASED OVERSIGHT.—

(1) IN GENERAL.—Not later than 90 days after the date of enactment of the FAA Extension, Safety, and Security Act of 2016, the Administrator shall take measures to ensure that the safety assessment system established under subsection (a)—

(A) places particular consideration on inspections of part 145 repair stations located outside the United States that conduct scheduled heavy maintenance work on part 121 air carrier aircraft; and

(B) accounts for the frequency and seriousness of any corrective actions that part 121 air carriers must implement to aircraft following such work at such repair stations.

(2) INTERNATIONAL AGREEMENTS.—The Administrator shall take the measures required under paragraph (1)—

(A) in accordance with United States obligations under applicable international agreements; and

(B) in a manner consistent with the applicable laws of the country in which a repair station is located.

(3) ACCESS TO DATA.—The Administrator may access and review such information or data in the possession of a part 121 air carrier as the Administrator may require in carrying out paragraph (1)(B).

(g) DATA ANALYSIS.—

(1) *IN GENERAL.*—An air carrier conducting operations under part 121 of title 14, Code of Federal Regulations, shall provide to the appropriate office of the Administration, not later than every year, a report containing the information described in paragraph (2) with respect to heavy maintenance work on aircraft (including on-wing aircraft engines) performed in the preceding year.

(2) *INFORMATION REQUIRED.*—A report under paragraph (1) shall contain the following information:

(A) The location where any heavy maintenance work on aircraft (including on-wing aircraft engines) was performed outside the United States.

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

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

(D) A list of all failures, malfunctions, or defects affecting the safe operation of such aircraft identified by the air carrier within 30 days after the date on which an aircraft is returned to service, organized by reference to aircraft registration number, that—

(i) requires corrective action after the aircraft is approved to return to service; and

(ii) results from the work performed on such aircraft.

(E) The certificate number of the person approving such aircraft or aircraft engine, for return to service following completion of the work performed at each such location.

(3) *ANALYSIS.*—The Administrator of the Federal Aviation Administration shall—

(A) analyze information made available under paragraph (1) of this subsection and sections 121.703, 121.705, 121.707, and 145.221 of title 14, Code of Federal Regulations, or any successor provisions, to detect safety issues associated with heavy maintenance work on aircraft (including on-wing aircraft engines) performed outside the United States; and

(B) require appropriate actions in response.

(4) *CONFIDENTIALITY.*—Information made available under paragraph (1) shall be subject to the same protections given to voluntarily-provided safety or security related information under section 40123.

(h) APPLICATIONS AND REQUESTS FOR RENEWAL.—

(1) *IN GENERAL.*—The Administrator may not approve any new application under part 145 of title 14, Code of Federal Reg-

ulations, from a person located or headquartered in a country that the Administration, through the International Aviation Safety Assessment program, has classified as Category 2.

(2) *MAINTENANCE IMPLEMENTATION PROCEDURES AGREEMENT.*—The Administrator may elect not to enter into a new maintenance implementation procedures agreement with a country classified as Category 2, for as long as that country remains classified as Category 2, if the Administrator determines that doing so is necessary to comply with the requirements of this subsection.

(3) *CONTINUED HEAVY MAINTENANCE WORK.*—No air carrier conducting operations under part 121 of title 14, Code of Federal Regulations, may enter into a new contract for heavy maintenance work with a person located or headquartered in a country that the Administration, through the International Aviation Safety Assessment program, has classified as Category 2, for as long as such country remains classified as Category 2.

(i) *MINIMUM QUALIFICATIONS FOR MECHANICS AND OTHERS WORKING ON U.S. REGISTERED AIRCRAFT.*—

(1) *IN GENERAL.*—Not later than 1 year after the date of enactment of this subsection, the Administrator shall require that, at each covered repair station—

(A) all supervisory personnel are appropriately certificated as a mechanic or repairman under part 65 of title 14, Code of Federal Regulations, or under an equivalent certification or licensing regime, as determined by the Administrator; and

(B) all personnel authorized to approve an article for return to service are appropriately certificated as a mechanic or repairman under part 65 of such title, or under an equivalent certification or licensing regime, as determined by the Administrator.

(2) *AVAILABLE FOR CONSULTATION.*—Not later than 1 year after the date of enactment of this subsection, the Administrator shall require any individual who is responsible for authorization of return of an article to service or who is directly in charge of aircraft (including on-wing aircraft engine) maintenance performed on aircraft operated under part 121 of title 14, Code of Federal Regulations, be available for consultation while work is being performed.

[(g)] (j) *DEFINITIONS.*—In this section, the following definitions apply:

(1) *COVERED REPAIR STATION.*—The term “covered repair station” means a facility that—

(A) is located outside the United States;

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

(C) performs heavy maintenance work on aircraft (including on-wing aircraft engines) operated under part 121 of title 14, Code of Federal Regulations.

[(1)] (2) *HEAVY MAINTENANCE WORK.*—The term “heavy maintenance work” means a C-check, a D-check, or equivalent maintenance operation with respect to the airframe of a transport-category aircraft.

[(2)] (3) PART 121 AIR CARRIER.—The term “part 121 air carrier” means an air carrier that holds a certificate issued under part 121 of title 14, Code of Federal Regulations.

[(3)] (4) PART 145 REPAIR STATION.—The term “part 145 repair station” means a repair station that holds a certificate issued under part 145 of title 14, Code of Federal Regulations.

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