116TH CONGRESS
2nd Session

HOUSE OF REPRESENTATIVES

REPORT
116–462

SAFE AIRCRAFT MAINTENANCE STANDARDS ACT

JULY 29, 2020.—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

together with

DISSENTING VIEWS

[To accompany H.R. 5119]

[Including cost estimate of the Congressional Budget Office]

The Committee on Transportation and Infrastructure to whom was referred the bill (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, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

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99–006

PURPOSE OF LEGISLATION

The purpose of H.R. 5119 is to establish one level of safety between airline maintenance performed in the United States and that performed on U.S. airlines' fleets in foreign countries.

BACKGROUND AND NEED FOR LEGISLATION

Some 950 aeronautical repair stations outside the United States hold Federal Aviation Administration (FAA) certificates under 14 C.F.R. part 145, yet these facilities are not subject to the same safety standards that apply to domestic repair stations. For example, workers who perform safety-sensitive functions at U.S. repair stations are subject to compulsory screening for substance abuse; however, the same requirement does not apply to their counterparts at foreign facilities. Workers at U.S. repair stations are subject to compulsory background investigations; yet the same requirement does not apply to their counterparts overseas.

This disparity between safety standards at U.S. and foreign repair stations that hold FAA certificates comes at a time when airlines' spending on contract maintenance and repair services nearly tripled between 1996 and 2011, according to the Department of Transportation Inspector General (DOT IG), rising from $1.5 billion in 1996 to $4.2 billion in 2011. Today, "[i]t is estimated that nearly 50 percent by dollar volume of maintenance work done by operators of U.S. registered aircraft is done in . . . FAA certified repair facilities located outside" the United States, according to the Transport Workers Union. However, 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 that "some repair stations may not be operating in full compliance" with FAA rules. Additionally, the Committee is aware that safety-sensitive workers at foreign repair stations may not be appropriately qualified or positioned to perform their functions; for example, the Committee has received reports that employees responsible for certifying that aircraft are fit for return to revenue service have made those certifications without having personally observed or inspected maintenance work on those aircraft—and in some cases have made the certifications from outside the countries where the work was actually performed.

For years, Congress has pressed the FAA to move quickly to reduce the great disparity between safety requirements for U.S. and foreign repair stations, including mandating drug and alcohol testing and pre-employment background investigations of foreign repair station employees who perform safety-sensitive functions. Even with clear Congressional direction, the FAA has failed to satisfy either mandate, which would assure the flying public that the personnel performing critical maintenance on U.S.-operated aircraft have been adequately screened. These, among other measures, would help ensure that foreign repair stations follow the same safety standards that the FAA requires of maintenance work done in the United States.

HEARINGS

Pursuant to section 103(i) of H. Res. 6, 116th Cong. (2019), the Committee on Transportation and Infrastructure Subcommittee on

Aviation held the following hearing to develop or consider subjects related to matters contained in H.R. 3632:

On July 17, 2019, the Subcommittee on Aviation held a hearing titled, "State of Aviation Safety." The purpose of the hearing was to gather government and stakeholder perspectives on the state of aviation safety, including identifying current challenges facing the aviation system and actions needed to maintain and ensure the safety of the traveling public. On July 17, 2019, the Subcommittee held a hearing entitled "State of Aviation Safety." The Subcommittee received testimony from Mr. Paul Njoroge, husband of Carolyne 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, National Transportation Safety Board; 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 Samuelsen, International President, Transport Workers Union.

LEGISLATIVE HISTORY AND CONSIDERATION

H.R. 5119 was introduced in the House on November 15, 2019 by Mr. DeFazio and 7 original co-sponsors and referred to the Committee on Transportation and Infrastructure. Within the Committee, H.R. 5119 was referred to the Subcommittee on Aviation.

The Chair discharged the Subcommittee on Aviation from further consideration of H.R. 5119 on November 20, 2019.

The Full Committee met in open session to consider H.R. 5119 on November 20, 2019, and ordered the measure to be reported to the House with a favorable recommendation, without amendment, by a record vote of 39 yeas and 19 nays (Roll Call Vote No. 12).

The following amendment was offered:

An Amendment in the Nature of a Substitute offered by Mr. Graves of Louisiana (#1); was NOT AGREED TO by a record vote of 26 yeas and 32 nays (Roll Call Vote No. 11).

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.

An Amendment in the Nature of a Substitute offered by Mr. Graves of Louisiana (#1); was NOT AGREED TO by a record vote of 26 yeas and 32 nays (Roll Call Vote No. 11). The vote was as follows:

1

ONE HUNDRED SIXTEENTH CONGRESS
ROLL CALL VOTE NO. 11

On agreeing to amendment #1 offered by Mr. Graves of Louisiana.
Not Agreed to: 26 yeas and 32 nays.

Representative	Yea	Nay	Representative	Yea	Nay
Mr. DeFazio, Chair.		X	Mr. Graves of MO, Ranking Member.	X	
Ms. Norton		X	Mr. Young		
Ms. Johnson of TX		X	Mr. Crawford	X	
Mr. Larsen of WA		X	Mr. Gibbs	X	
Mrs. Napolitano		X	Mr. Webster of FL		
Mr. Lipinski		X	Mr. Massie	X	
Mr. Cohen		X	Mr. Meadows	X	
Mr. Sires		X	Mr. Perry	X	
Mr. Garamendi		X	Mr. Rodney Davis of IL	X	
Mr. Johnson of GA		X	Mr. Woodall	X	
Mr. Carson of IN			Mr. Katko	X	
Ms. Titus		X	Mr. Babin	X	
Mr. Sean Patrick Maloney of NY			Mr. Graves of LA	X	
Mr. Huffman			Mr. Rouzer	X	
Ms. Brownley of CA		X	Mr. Bost	X	
Ms. Wilson of FL		X	Mr. Weber of TX	X	
Mr. Payne		X	Mr. LaMalfa	X	
Mr. Lowenthal		X	Mr. Westerman	X	
Mr. DeSaulnier		X	Mr. Smucker	X	
Ms. Plaskett		X	Mr. Mitchell	X	
Mr. Lynch			Mr. Mast	X	
Mr. Carbajal		X	Mr. Gallagher		
Mr. Brown of MD		X	Mr. Palmer	X	
Mr. Espaillat		X	Mr. Fitzpatrick		
Mr. Malinowski		X	Miss González-Colón of PR	X	
Mr. Stanton		X	Mr. Balderson	X	
Ms. Mucarsel-Powell		X	Mr. Spano	X	
Mrs. Fletcher		X	Mr. Stauber	X	
Mr. Allred		X	Mrs. Miller	X	
Ms. Davids of KS		X	Mr. Pence	X	
Ms. Finkenauer		X			
Mr. García of IL		X			
Mr. Delgado		X			
Mr. Pappas		X			
Ms. Craig		X			
Mr. Rouda		X			
Mr. Lamb					
			Vote Total:	**26**	**32**

H.R. 5119 was ordered to be reported to the House of Representatives, with a favorable recommendation, without amendment, by a record vote of 39 yeas and 19 nays (Roll Call Vote No. 12). The vote was as follows:

ONE HUNDRED SIXTEENTH CONGRESS
ROLL CALL VOTE NO. 12

On ordering H.R. 5119 to be reported to the House with a favorable recommendation, without amendment.
Agreed to: 39 yeas and 19 nays.

Representative	Yea	Nay	Representative	Yea	Nay
Mr. DeFazio, Chair.	X		Mr. Graves of MO, Ranking Member.		X
Ms. Norton	X		Mr. Young		
Ms. Johnson of TX	X		Mr. Crawford		X
Mr. Larsen of WA	X		Mr. Gibbs		X
Mrs. Napolitano	X		Mr. Webster of FL		
Mr. Lipinski	X		Mr. Massie		X
Mr. Cohen	X		Mr. Meadows		X
Mr. Sires	X		Mr. Perry		X
Mr. Garamendi	X		Mr. Rodney Davis of IL	X	
Mr. Johnson of GA	X		Mr. Woodall		X
Mr. Carson of IN			Mr. Katko	X	
Ms. Titus	X		Mr. Babin		X
Mr. Sean Patrick Maloney of NY			Mr. Graves of LA		X
Mr. Huffman			Mr. Rouzer		X
Ms. Brownley of CA	X		Mr. Bost	X	
Ms. Wilson of FL	X		Mr. Weber of TX		X
Mr. Payne			Mr. LaMalfa		X
Mr. Lowenthal	X		Mr. Westerman		X
Mr. DeSaulnier	X		Mr. Smucker		X
Ms. Plaskett	X		Mr. Mitchell	X	
Mr. Lynch			Mr. Mast	X	
Mr. Carbajal	X		Mr. Gallagher		
Mr. Brown of MD	X		Mr. Palmer		X
Mr. Espaillat	X		Mr. Fitzpatrick		
Mr. Malinowski	X		Miss González-Colón of PR	X	
Mr. Stanton	X		Mr. Balderson		X
Ms. Mucarsel-Powell	X		Mr. Spano		X
Mrs. Fletcher	X		Mr. Stauber	X	
Mr. Allred	X		Mrs. Miller		X
Ms. Davids of KS	X		Mr. Pence		X
Ms. Finkenauer	X				
Mr. García of IL	X				
Mr. Delgado	X				
Mr. Pappas	X				
Ms. Craig	X				
Mr. Rouda	X				
Mr. Lamb	X				
			Vote Total:	**39**	**19**

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

Clause 3(c)(2) of rule XIII of the Rules of the House of Representatives does not apply where a cost estimate and comparison prepared by the Director of the Congressional Budget Office under section 402 of the Congressional Budget Act of 1974 has been timely submitted prior to the filing of the report and is included in the report. Such a cost estimate is included in this report.

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 and section 402 of the Congressional Budget Act of 1974, the Committee has received the enclosed cost estimate for H.R. 5119 from the Director of the Congressional Budget Office:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, March 10, 2020.

Hon. PETER A. DEFAZIO,
Chairman, Committee on Transportation and Infrastructure,
House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 5119, the Safe Aircraft Maintenance Standards Act.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Aaron Krupkin.

Sincerely,

PHILLIP L. SWAGEL,
Director.

Enclosure.

H.R. 5119, Safe Aircraft Maintenance Standards Act
As ordered reported by the House Committee on Transportation and Infrastructure on November 20, 2019

By Fiscal Year, Millions of Dollars	2020	2020-2025	2020-2030
Direct Spending (Outlays)	0	0	0
Revenues	0	0	0
Increase or Decrease (-) in the Deficit	0	0	0
Spending Subject to Appropriation (Outlays)	*	4	not estimated

		Mandate Effects	
Statutory pay-as-you-go procedures apply?	No		
Increases on-budget deficits in any of the four consecutive 10-year periods beginning in 2031?	No	Contains intergovernmental mandate?	No
		Contains private-sector mandate?	Yes, Under Threshold

* = between zero and $500,000.

H.R. 5119 would require certain air carriers to submit monthly and annual reports to the Federal Aviation Administration (FAA) on aircraft maintenance and alterations performed outside the United States. The FAA would be required to establish an online repository for that information, analyze the reports, detect any

safety issues, and implement corrective actions if necessary. In addition, the FAA would be required to perform other regulatory activities related to aircraft maintenance.

For this estimate, CBO assumes that the bill will be enacted in fiscal year 2020. Under that assumption, the FAA could incur some costs in 2020, but CBO expects that most of the costs would be incurred in 2021 and later. Using information from the FAA on employee compensation and the workload that would result from fulfilling the bill's requirements, CBO estimates that implementing H.R. 5119 would cost about $4 million over the 2020–2025 period. Any spending would be subject to the availability of appropriated funds. The costs of the legislation would fall within budget function 400 (transportation).

By requiring certain air carriers to submit new reports to the FAA, H.R. 5119 would impose a private-sector mandate as defined in the Unfunded Mandates Reform Act (UMRA). Under current law, air carriers track maintenance performed on each aircraft and submit reports to the FAA when major alterations are performed. H.R. 5119 would broaden those requirements by requiring domestic operators to submit monthly reports on aircraft maintenance, preventive maintenance, or alterations performed outside the United States and annual reports detailing the heavy maintenance work performed on aircraft in the past year. CBO expects that the mandate would affect fewer than 100 airlines by incrementally adding to their maintenance-tracking requirements. CBO estimates, therefore, that the cost of the mandates, mostly for gathering information and preparing new reports, would fall below the annual threshold for private-sector mandates in UMRA ($168 million in 2020, adjusted annually for inflation).

H.R. 5119 contains no intergovernmental mandates as defined in UMRA.

The CBO staff contacts for this estimate are Aaron Krupkin (for federal costs) and Brandon Lever (for mandates). The estimate was reviewed by H. Samuel Papenfuss, Deputy Director of Budget Analysis.

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 address the safety disparity between airline maintenance performed in the United States and that performed on U.S. airlines' fleets in foreign countries.

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. 5119 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

The Committee adopts as its own the estimate of federal mandates prepared by the Director of the Congressional Budget Office pursuant to section 423 of the Unfunded Mandates Reform Act (Public Law 104–4).

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. 5119 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

Sec. 1. Short title

This section provides that this bill may be cited as the Safe Aircraft Maintenance Standards Act".

Sec. 2. Sense of Congress

This section expresses the sense of Congress that (1) the safety of the United States 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 where the maintenance, repair, and overhaul work is performed; and (3) the FAA must fully enforce its maintenance, repair, and overhaul work on U.S.-operated aircraft at every facility in the United States or abroad.

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

This section:

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 month listing mechanical issues attributable to maintenance performed outside the United States, and requires the FAA to subject

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

Requires air carriers to submit to an FAA-maintained repository an annual report with heavy maintenance history by location and specific aircraft registration number, as well as other personnel metrics.

Prohibits the FAA from approving any application or request for renewal of a part 145 certificate from a repair station located in countries designated by the FAA as category 2 (which indicates a lower level of safety), as well as air carriers from conducting heavy maintenance in such countries.

Requires that supervisors, individuals who authorize aircraft for return to service, and personnel performing required inspections must hold FAA mechanic or repairman certificates, and either be physically present near the aircraft or personally perform the work.

Sec. 4. Moratorium

Beginning one year after enactment, this sections prohibits the FAA from certificating new foreign repair stations until the FAA has: (1) complied with the 2016 mandate for a final rule on drug and alcohol testing of employees at foreign repair stations, (2) issued a final rule mandating threat assessments of such employees, and (3) issued any other rules made necessary by this law.

Sec. 5. Definitions

This section defines the terms used in this Act.

Sec. 6 Technical and clerical amendments

This section contains technical amendments to the U.S. Code to correct an error in section numbering contained in the Federal Aviation Administration Reauthorization Act of 2018 (P.L. 115–254).

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

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SUBTITLE VII—AVIATION PROGRAMS

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PART A—AIR COMMERCE AND SAFETY

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SUBPART III—SAFETY

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CHAPTER 447—SAFETY REGULATION

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§ 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,* 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. [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.*

(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 responsible Flight Standards office of the Administration, not later than the last day of each calendar month, a report containing the information described in paragraph (2) with respect to maintenance, preventive maintenance, or alteration of an aircraft that is performed during the preceding calendar month.

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

(A) The location where any maintenance, preventive maintenance, or alteration 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) The total man-hours associated with completing the work performed at each such location.

(E) A list of all failures, malfunctions, or defects affecting the safe operation of an aircraft identified by the air carrier as requiring corrective action after return to service, organized by reference to aircraft registration number.

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

(3) UPDATES.—Not later than 180 days after the date on which an aircraft returns to service, an air carrier shall update the information described in paragraph (2)(E) with respect to any failure, malfunction, or defect discovered by the air carrier following return to service during such period.

(4) ANALYSIS.—The Administrator shall—

(A) analyze reports submitted 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 maintenance, preventive maintenance, and alterations performed outside the United States; and

(B) require appropriate actions in response to such reports.

(h) ANNUAL REPORTING REQUIREMENT.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this subsection, and annually thereafter, each air carrier conducting operations under part 121 of title 14, Code of Federal Regulations, shall upload to the online repository described in paragraph (2) a report containing—

(A) a minimum of 1 year of heavy maintenance work history for each aircraft (organized by reference to aircraft registration number) that conducted operations under such part 121 during the previous calendar year;

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

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

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

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

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

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

(H) all locations where heavy maintenance work on an aircraft may be carried out for the air carrier under an existing contract.

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

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

(1) APPLICATIONS AND REQUESTS FOR RENEWAL.—

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

(B) MAINTENANCE IMPLEMENTATION PROCEDURES AGREEMENT.—The Administrator may elect not to enter into a maintenance implementation procedures agreement with a country that the Administrator has classified as Category 2 to the extent the Administrator determines is necessary to comply with the requirements of this subsection.

(2) CONTINUED HEAVY MAINTENANCE WORK.—No air carrier conducting operations under part 121 of title 14, Code of Federal Regulations, may 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.

(j) 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;

(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; and

(C) all personnel performing required inspections under part 145 of such title are appropriately certificated as a mechanic or repairman under part 65 of such title.

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

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

(B) personally perform the work.

[(g)**]** *(k)* 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 maintenance, preventive maintenance, or alterations of aircraft, including powerplants and parts of such aircraft, 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.

* * * * * * *

§ [44737.] *44740.* Special rule for certain aircraft operations[.]

(a) IN GENERAL.—The operator of an aircraft with a special airworthiness certification in the experimental category may—

(1) operate the aircraft for the purpose of conducting a space support vehicle flight (as that term is defined in **[**chapter**]** *section* 50902 of title 51); and

(2) conduct such flight under such certificate carrying persons or property for compensation or hire—

(A) notwithstanding any rule or term of a certificate issued by the Administrator of the Federal Aviation Administration that would prohibit flight for compensation or hire; or

(B) without obtaining a certificate issued by the Administrator to conduct air carrier or commercial operations.

(b) LIMITED APPLICABILITY.—Subsection (a) shall apply only to a space support vehicle flight that satisfies each of the following:

(1) [(1)] The aircraft conducting the space support vehicle flight—

(A) takes flight and lands at a single site that is operated by an entity licensed for operation under chapter 509 of title 51;

(B) is owned or operated by a launch or reentry vehicle operator licensed under chapter 509 of title 51, or on behalf of a launch or reentry vehicle operator licensed under chapter 509 of title 51;

(C) is a launch vehicle, a reentry vehicle, or a component of a launch or reentry vehicle licensed for operations pursuant to chapter 509 of title 51; and

(D) is used only to simulate space flight conditions in support of—

(i) training for potential space flight participants, government astronauts, or crew (as those terms are defined in chapter 509 of title 51);

(ii) the testing of hardware to be used in space flight; or

(iii) research and development tasks, which require the unique capabilities of the aircraft conducting the flight.

(c) RULES OF CONSTRUCTION.—

(1) SPACE SUPPORT VEHICLES.—Section 44711(a)(1) shall not apply to a person conducting a space support vehicle flight under this section only to the extent that a term of the experimental certificate under which the person is operating the space support vehicle prohibits the carriage of persons or property for compensation or hire.

(2) AUTHORITY OF ADMINISTRATOR.—Nothing in this section shall be construed to limit the authority of the Administrator of the Federal Aviation Administration to exempt a person from a regulatory prohibition on the carriage of persons or property for compensation or hire subject to terms and conditions other than those described in this section.

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DISSENTING VIEWS

While we support the intent behind H.R. 5119, the "Safe Aircraft Maintenance Standards Act," we stand opposed to the version of the bill ordered to be reported by the Committee as it may harm the aviation industry, set back global aviation safety, and threaten thousands of American jobs.

Unintended Consequences

According to the Majority, the purpose of H.R. 5119 is to increase aviation safety by ensuring that maintenance performed on aircraft operated by U.S. air carriers is held to the same standard whether it takes place in this country or abroad. While we share that laudable goal, H.R. 5119 does not live up to it. Instead, the bill attempts to unilaterally impose U.S. law in foreign countries, opening up the United States' aviation industry to retaliation by foreign regulators.

In general, the bill would require the Federal Aviation Administration (FAA) to apply U.S. laws and regulations on foreign repair stations, regardless of whether such laws are compatible with the laws of the foreign country where the repair station is located. Ironically, this unilateralist approach comes at a time when the United States is admitting hard truths about its aviation system and the overarching necessity to work with civil aviation authorities around the world to ensure aviation safety. This bill would significantly hinder these efforts and jeopardize global aviation safety progress at an already uncertain time for the aviation industry.

We share the Majority's concerns that the FAA, under both Democratic and Republican administrations, has failed to meet statutory deadlines for initiating rulemakings and implementing safety regulations relating to foreign repair stations. However, rather than holding the FAA responsible for its failure to comply with mandates in existing law, H.R. 5119 adds complicated new requirements on top of existing statutory requirements and then directs the FAA to punish industry for its own failure to comply with all of the requirements. We find it difficult to understand how prohibiting the issuance of additional foreign repair station certificates prior to the completion of several newly mandated rulemakings will spur expedited action by the FAA.

Furthermore, despite assertions at markup that the bill only targets countries that do not adhere to U.S. standards and that "there is not going to be a problem with the developed world with this,"[1] there is nothing in the bill that suggests this is the case. For example, if the FAA fails to meet the stringent deadlines set for implementing this bill, it will be barred from issuing foreign repair sta-

[1] Comm. on Transportation and Infrastructure, Legislative Markup on November 20, 2019, 116 Cong. (2019), (statement of Peter DeFazio, Chair, Comm. On Transportation and Instructure) (on file with Committee).

tion certificates. This will apply whether the repair station is in Canada and the European Union (EU) or in China or an unsafe Category 2 country.[2] If, under this bill, the United States fails to issue timely certificates to repair stations in the EU, it is likely that the EU will respond by not issuing certificates to repair stations in this country. This jeopardizes thousands of jobs at existing and future dual-certificated repair stations in the United States.

This Committee has recognized an existing and impending aviation workforce shortage in nearly all job positions, including: pilots, flight attendants, safety inspectors, and mechanics. A recent industry assessment found that the world will need nearly 770,000 new aviation technicians in the next 20 years. While nearly 200,000 of those jobs are forecasted to be in North America, that means that more than 75% will be outside the United States. Last Congress, this Committee produced the bipartisan *FAA Reauthorization Act of 2018* (P.L. 115–254), which contained an entire title dedicated to addressing future aviation workforce issues. By impeding access to foreign repair stations, we are concerned this bill would roll back what progress has been achieved and make our Nation's mechanic shortage more acute than it already is.

Finally, this bill did not receive the legislative due diligence it deserves given the array of potential issues. Most importantly, there was not testimony from impacted stakeholders, including repair stations, airlines, manufacturers, and the FAA. While the Subcommittee on Aviation did receive testimony from a labor union representing aircraft mechanics on July 17, 2019, at a hearing titled "*State of Aviation Safety*," it merely received anecdotal information regarding the safety of foreign repair stations, not the data this Committee needs to make informed decisions regarding changes to a complex regulatory safety structure.

A Better Way

We believe we could have reached a bipartisan agreement that would have passed the Committee unanimously. At markup, Rep. Garret Graves, Ranking Member of the Subcommittee on Aviation, offered an amendment in the nature of a substitute to H.R. 5119 which contained the text of the "*Global Aircraft Maintenance Safety Improvement Act*." We believe the amendment represented a fair, consensus driven approach that would have addressed the concerns raised by the Majority regarding the FAA's foreign repair station oversight in a way that respects existing U.S. international obligations and avoids harmful retaliation by other countries. Rather than seriously considering the proposal, it was mischaracterized by the Majority, then swiftly defeated on a strict party-line vote.

The amendment was not, however, a wholesale change to the base text. It included many of the provisions found in the underlying bill, including those requiring unannounced inspections at foreign repair stations and enabling FAA analysis of foreign repair station safety data. Like the underlying bill, the amendment would have restricted repair station activity in Category 2 countries. The amendment also would have ensured that the FAA would comply

[2] A Category 2 country is one that FAA has found to be out of compliance with the International Civil Aviation Organization (ICAO) safety standards under the International Aviation Safety Assessment program.

with existing foreign repair station rulemaking mandates by prohibiting non-safety related travel for FAA employees within two years should the FAA fail to issue the rulemakings. This would set a realistic timeframe for the FAA to finally complete the long outstanding mandates while ensuring that the consequences of not completing them would be felt by the FAA, not the aviation industry.

Recognizing that overseeing the safety of worldwide repair stations is a global issue, the amendment also would have created a foreign repair station Joint Authorities Technical Review (JATR) made up of representatives from civil aviation authorities of countries that certificate foreign repair stations and countries in which those repair stations are located. This would have provided a unique and helpful body within which the FAA could work with countries where it certificates foreign repair stations to raise the level of safety on a multilateral basis, rather than imposing an ineffective one-size-fits-all policy by fiat.

The foreign repair station JATR was based on the JATR created in the wake of the two accidents involving the Boeing 737 MAX aircraft. The group was widely praised by aviation experts and lawmakers, including Democratic members of the Committee, as a valuable independent body that offered important insights and recommendations, many of which the FAA is already implementing. It is unclear why the Majority disparaged the foreign repair station JATR at markup as "another advisory group composed of self-interested, conflicted individuals"[3] while praising the Boeing 737 MAX JATR as "heeding [the Majority's] call to bring in an independent body into the certification process"[4] and as "an independent body must be able to review every step of the process and help restore public confidence."[5]

Conclusion

We are disappointed that the Majority has missed an opportunity at bipartisan cooperation on a topic as important and bipartisan as aviation safety. In the past, this Committee has worked constructively to address aviation safety issues in a bipartisan way, and we remain hopeful that future legislative efforts will follow that historically successful path. We continue to stand ready to work with the Majority on future bipartisan legislation that improves transportation safety.

SAM GRAVES,
Ranking Member.

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[3] Comm. on Transportation and Infrastructure, Legislative Markup on November 20, 2019, 116 Cong. (2019), (statement of Peter DeFazio, Chair, Comm. On Transportation and Instructure) (on file with Committee).

[4] "Chairs DeFazio and Larsen Applaud FAA Announcement Ordering a Third-Party Review into Boeing 737 MAX," Committee on Transportation and Infrastructure press release, April 3, 2019, *available at* https://transportation.house.gov/news/press-releases/chairs-defazio-and-larsen-applaud-faa-announcement-ordering-a-third-party-review-into-boeing-737-max.

[5] *Id.*