

106TH CONGRESS
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H. R. 2024

To amend title 49, United States Code, to require air carriers to conduct safety audits of foreign air carriers as a condition of approval of certain cooperative arrangements between the carriers.

IN THE HOUSE OF REPRESENTATIVES

JUNE 7, 1999

Mr. OBERSTAR (for himself, Mr. LIPINSKI, and Ms. EDDIE BERNICE JOHNSON of Texas) 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 air carriers to conduct safety audits of foreign air carriers as a condition of approval of certain cooperative arrangements between the carriers.

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 “Aviation Code-Share
5 Safety Act of 1999”.

1 **SEC. 2. APPROVAL OF AIR CARRIER CODE-SHARING AR-**
2 **RANGEMENTS WITH FOREIGN AIR CARRIERS.**

3 (a) IN GENERAL.—Section 41309 of title 49, United
4 States Code, is amended by adding at the end the fol-
5 lowing:

6 “(d) APPROVAL OF CODE-SHARING ARRANGE-
7 MENTS.—

8 “(1) IN GENERAL.—The Secretary of Transpor-
9 tation may approve a code-sharing arrangement
10 under subsection (a) between an air carrier pro-
11 viding air transportation of passengers and a foreign
12 air carrier only if—

13 “(A) the director of safety, director of op-
14 erations, and director of maintenance for the
15 air carrier (or individuals employed in equiva-
16 lent positions) each certify to the Administrator
17 of the Federal Aviation Administration that—

18 “(i) an initial safety audit, including
19 an on-site inspection, of the foreign air
20 carrier has been conducted under a safety
21 audit program approved by the Adminis-
22 trator under this subsection; and

23 “(ii) the foreign air carrier met the
24 standards of the safety audit program; and

25 “(B) the air carrier agrees to conduct peri-
26 odic safety audits, including on-site inspections,

1 of the foreign air carrier in accordance with the
2 safety audit program.

3 “(2) REQUIREMENTS FOR SAFETY AUDIT PRO-
4 GRAMS.—

5 “(A) ELEMENTS TO BE AUDITED.—A safe-
6 ty audit program of an air carrier under this
7 section shall include periodic safety audits, in-
8 cluding on-site inspections, conducted by the air
9 carrier of each of the following elements of a
10 foreign air carrier’s operations:

11 “(i) Flight operations.

12 “(ii) Maintenance operations.

13 “(iii) Airworthiness.

14 “(iv) Incident and accident rates.

15 “(v) Crew training.

16 “(vi) En-route procedures.

17 “(vii) Emergency response plans.

18 “(viii) Other elements considered nec-
19 essary by the Administrator.

20 “(B) QUALITY ASSURANCE.—A safety
21 audit program of an air carrier under this sec-
22 tion shall include procedures to ensure the qual-
23 ity of audits conducted under the program, in-
24 cluding procedures for training personnel of the
25 air carrier who will conduct the audits.

1 “(C) CHANGES IN OWNERSHIP.—A safety
2 audit program of an air carrier under this sec-
3 tion shall include procedures to ensure that if
4 there is a change in ownership of a code-shar-
5 ing partner of the air carrier a new audit of the
6 code-sharing partner will be conducted under
7 the program.

8 “(3) GUIDANCE.—Not later than 180 days
9 after the date of enactment of this subsection, the
10 Administrator, in consultation with the Secretary of
11 Defense, the International Civil Aviation Organiza-
12 tion, and representatives and employees of air car-
13 riers and foreign air carriers, shall issue guidance to
14 air carriers on the establishment of safety audit pro-
15 grams that will satisfy the requirements of this sub-
16 section.

17 “(4) APPROVAL.—An air carrier described in
18 paragraph (1) that has entered into or plans to
19 enter into a code-share arrangement with a foreign
20 air carrier shall submit a safety audit program to
21 the Administrator for approval.

22 “(5) WRITTEN RECORDS.—Each director of an
23 air carrier making a certification under paragraph
24 (1) shall maintain for inspection by the Adminis-

1 trator sufficient written records to support the cer-
2 tification.

3 “(6) REVIEWS.—To ensure the consistency,
4 quality, and effectiveness of safety audit programs
5 conducted under this subsection, the Administrator
6 shall conduct a comprehensive review of the safety
7 audit program of an air carrier at least once each
8 year. To facilitate such a review, the air carrier shall
9 permit the Administrator to accompany the air car-
10 rier on site inspections of foreign air carriers that
11 are code-share partners of the air carrier.

12 “(7) ASSESSMENTS OF FOREIGN REGULATORY
13 AUTHORITIES.—The Administrator shall work with
14 the International Civil Aviation Organization to en-
15 sure that oversight of code-sharing arrangements be-
16 tween air carriers and foreign air carriers is included
17 as part of any assessment of a country’s air safety
18 regulatory authorities.

19 “(8) CODE-SHARING ARRANGEMENT DE-
20 FINED.—In this subsection, the term ‘code-sharing
21 arrangement’ means an arrangement whereby an air
22 carrier’s designator code is used to identify a flight
23 operated by another carrier.

24 “(9) APPLICABILITY.—

1 “(A) IN GENERAL.—Paragraph (1) shall
 2 apply to approvals of code-sharing arrange-
 3 ments under subsection (a) on and after the
 4 day that is 1 year after the date of enactment
 5 of this subsection.

6 “(B) EXISTING AGREEMENTS.—If an air
 7 carrier has received approval of a code-sharing
 8 arrangement under subsection (a) before the
 9 day that is 1 year after the date of enactment
 10 of this subsection (including approvals received
 11 before such date of enactment), the air carrier
 12 shall make the certifications and assurances re-
 13 quired by paragraph (1) with respect to the ar-
 14 rangement on or before such day.”.

15 (b) CONFORMING AMENDMENT.—Section 41309(b)
 16 of such title is amended—

17 (1) by striking “or” at the end of paragraph
 18 (1);

19 (2) by striking the period at the end of para-
 20 graph (2) and inserting “; or”; and

21 (3) by adding at the end the following:

22 “(3) or, after periodic review, end approval of
 23 a code-sharing arrangement that raises safety con-
 24 cerns.”.

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