

110TH CONGRESS  
2D SESSION

# S. 3090

To provide for adequate oversight and inspection by the Federal Aviation Administration of facilities outside the United States that perform maintenance and repair work on United States commercial aircraft, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

JUNE 5, 2008

Mrs. McCASKILL (for herself, Mr. SPECTER, Mr. OBAMA, and Mrs. CLINTON) introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

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## A BILL

To provide for adequate oversight and inspection by the Federal Aviation Administration of facilities outside the United States that perform maintenance and repair work on United States commercial aircraft, 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 Aviation Facilities  
5       Ensure Aircraft Integrity and Reliability Act of 2008” or  
6       the “SAFE AIR Act of 2008”.

1 **SEC. 2. ENHANCED OVERSIGHT AND INSPECTION OF RE-**  
2 **PAIR STATIONS.**

3 (a) DEFINITIONS.—In this section:

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

7 (2) AIR CARRIER.—The term “air carrier” has  
8 the meaning given that term in section 40102(a) of  
9 title 49, United States Code.

10 (3) AIR TRANSPORTATION.—The term “air  
11 transportation” has the meaning given that term in  
12 such section 40102(a).

13 (4) AIRCRAFT.—The term “aircraft” has the  
14 meaning given that term in such section 40102(a).

15 (5) COVERED MAINTENANCE WORK.—The term  
16 “covered maintenance work” means maintenance  
17 work that is substantial, scheduled, or a required in-  
18 spection item, as determined by the Administrator.

19 (6) PART 121 AIR CARRIER.—The term “part  
20 121 air carrier” means an air carrier that holds a  
21 certificate under part 121 of title 14, Code of Fed-  
22 eral Regulations (or any successor regulation).

23 (7) PART 145 REPAIR STATION.—The term  
24 “part 145 repair station” means a repair station  
25 that holds a certificate under part 145 of title 14,

1 Code of Federal Regulations (or any successor regu-  
2 lation).

3 (8) UNITED STATES COMMERCIAL AIRCRAFT.—

4 The term “United States commercial aircraft”  
5 means an aircraft registered in the United States  
6 and owned or leased by a commercial air carrier.

7 (b) REGULATION OF REPAIR STATIONS FOR SAFE-  
8 TY.—

9 (1) IN GENERAL.—Chapter 447 of title 49,  
10 United States Code, is amended by adding at the  
11 end the following:

12 **“SEC. 44730. REPAIR STATIONS.**

13 “(a) DEFINITIONS.—In this section:

14 “(1) COVERED MAINTENANCE WORK.—The  
15 term ‘covered maintenance work’ means mainte-  
16 nance work that is substantial, scheduled, or a re-  
17 quired inspection item, as determined by the Admin-  
18 istrator.

19 “(2) PART 121 AIR CARRIER.—The term ‘part  
20 121 air carrier’ means an air carrier that holds a  
21 certificate under part 121 of title 14, Code of Fed-  
22 eral Regulations (or any successor regulation).

23 “(3) PART 145 REPAIR STATION.—The term  
24 ‘part 145 repair station’ means a repair station that

1 holds a certificate under part 145 of title 14, Code  
 2 of Federal Regulations (or any successor regulation).

3 “(4) UNITED STATES COMMERCIAL AIR-  
 4 CRAFT.—The term ‘United States commercial air-  
 5 craft’ means an aircraft registered in the United  
 6 States and owned or leased by a commercial air car-  
 7 rier.

8 “(b) REQUIREMENTS FOR MAINTENANCE PER-  
 9 SONNEL PROVIDING COVERED MAINTENANCE WORK.—  
 10 Not later than 3 years after the date of the enactment  
 11 of this section, the Administrator shall prescribe regula-  
 12 tions requiring all covered maintenance work on United  
 13 States commercial aircraft to be performed by mainte-  
 14 nance personnel employed by—

15 “(1) a part 145 repair station;

16 “(2) a part 121 air carrier; or

17 “(3) a person that provides contract mainte-  
 18 nance personnel to a part 145 repair station or a  
 19 part 121 air carrier, if such personnel—

20 “(A) meet the requirements of such repair  
 21 station or air carrier, as the case may be;

22 “(B) work under the direct supervision and  
 23 control of such repair station or air carrier, as  
 24 the case may be; and

1           “(C) carry out their work in accordance  
2           with the quality control manuals of such repair  
3           station or the maintenance manual of such air  
4           carrier, as the case may be.

5           “(c) CERTIFICATION OF INSPECTION OF FOREIGN  
6 REPAIR STATIONS.—Not later than 2 years after the date  
7 of the enactment of this section, and annually thereafter,  
8 the Administrator shall certify to Congress that—

9           “(1) each certified foreign repair station that  
10          performs maintenance work on an aircraft or a com-  
11          ponent of an aircraft for a part 121 air carrier has  
12          been inspected not fewer than 2 times in the pre-  
13          ceding calendar year by an aviation safety inspector  
14          of the Federal Aviation Administration; and

15          “(2) not fewer than 1 of the inspections re-  
16          quired by paragraph (1) for each certified foreign re-  
17          pair station was carried out at such repair station  
18          without any advance notice to such foreign repair  
19          station.

20          “(d) DRUG AND ALCOHOL TESTING OF FOREIGN RE-  
21 PAIR STATION PERSONNEL.—Not later than 1 year after  
22 the date of the enactment of this section, the Adminis-  
23 trator shall modify the certification requirements under  
24 part 145 of title 14, Code of Federal Regulations, to in-  
25 clude testing for the use of alcohol or a controlled sub-

1 stance in accordance with section 45102 of this title of  
2 any individual employed by a foreign repair station and  
3 performing a safety-sensitive function on a United States  
4 commercial aircraft for a foreign repair station.”.

5 (2) TEMPORARY PROGRAM OF IDENTIFICATION  
6 AND OVERSIGHT OF NONCERTIFIED REPAIR FACILI-  
7 TIES.—

8 (A) DEVELOP PLAN.—Not later than 180  
9 days after the date of the enactment of this  
10 Act, the Administrator shall develop a plan for  
11 a program—

12 (i) to require each part 121 air carrier  
13 to identify and submit to the Adminis-  
14 trator a complete list of all noncertificated  
15 maintenance providers that perform cov-  
16 ered maintenance work on United States  
17 commercial aircraft used by such part 121  
18 air carriers to provide air transportation;

19 (ii) to validate lists described in clause  
20 (i) that are submitted by a part 121 air  
21 carrier to the Administrator by sampling  
22 the records of part 121 air carriers, such  
23 as maintenance activity reports and gen-  
24 eral vendor listings; and

1 (iii) to carry out surveillance and  
2 oversight by field inspectors of the Federal  
3 Aviation Administration of all noncertifi-  
4 cated maintenance providers that perform  
5 covered maintenance work on United  
6 States commercial aircraft for part 121 air  
7 carriers.

8 (B) REPORT ON PLAN FOR PROGRAM.—

9 Not later than 180 days after the date of the  
10 enactment of this Act, the Administrator shall  
11 submit to Congress a report that contains the  
12 plan required by subparagraph (A).

13 (C) IMPLEMENTATION OF PLANNED PRO-

14 GRAM.—Not later than 1 year after the date of  
15 the enactment of this Act and until regulations  
16 are prescribed under section 44730(b) of title  
17 49, United States Code, as added by paragraph  
18 (1), the Administrator shall carry out the plan  
19 required by subparagraph (A).

20 (D) ANNUAL REPORT ON IMPLEMENTA-

21 TION.—Not later than 180 days after the com-  
22 mencement of the plan under subparagraph (C)  
23 and each year thereafter until the regulations  
24 described in such subparagraph are prescribed,  
25 the Administrator shall submit to Congress a

1 report on the implementation of the plan car-  
2 ried out under such subparagraph.

3 (3) CLERICAL AMENDMENT.—The analysis for  
4 chapter 447 of title 49, United States Code, is  
5 amended by adding at the end the following:

“44730. Repairs stations.”.

6 (c) REGULATION OF FOREIGN REPAIR STATIONS FOR  
7 SECURITY.—Section 44924 of title 49, United States  
8 Code, is amended by adding at the end the following:

9 “(h) COMPLIANCE OF FOREIGN REPAIR STATIONS  
10 WITH SECURITY REGULATIONS.—

11 “(1) PROHIBITION ON CERTIFICATION OF FOR-  
12 EIGN REPAIR STATIONS THAT DO NOT COMPLY WITH  
13 SECURITY REGULATIONS.—The Administrator may  
14 not certify or recertify a foreign repair station under  
15 part 145 of title 14, Code of Federal Regulations,  
16 unless such foreign repair station is in compliance  
17 with all applicable final security regulations pre-  
18 scribed under subsection (f).

19 “(2) NOTIFICATION TO AIR CARRIERS OF NON-  
20 COMPLIANCE BY FOREIGN REPAIR STATIONS.—If the  
21 Under Secretary for Border and Transportation Se-  
22 curity of the Department of Homeland Security is  
23 aware that a foreign repair station is not in compli-  
24 ance with a security regulation or that a security  
25 issue or vulnerability has been identified with respect



1 to such foreign repair station in a security review or  
 2 audit required under subsection (a) or any regula-  
 3 tion prescribed under subsection (f), the Under Sec-  
 4 retary shall provide notice to each air carrier that  
 5 holds a certificate under part 121 of title 14, Code  
 6 of Federal Regulations, of such noncompliance or se-  
 7 curity issue or vulnerability.”.

8 (d) UPDATE OF FOREIGN REPAIR FEE SCHEDULE.—

9 (1) IN GENERAL.—Not later than 1 year after  
 10 the date of the enactment of this Act, the Adminis-  
 11 trator shall revise the methodology for computation  
 12 of fees for certification services performed outside  
 13 the United States under part 187 of title 14, Code  
 14 of Federal Regulations, to cover fully the costs to  
 15 the Federal Aviation Administration of such certifi-  
 16 cation services, including—

17 (A) the costs of all related inspection serv-

18 ices;

19 (B) all travel expenses, salary, and employ-

20 ment benefits of inspectors who provide such

21 services; and

22 (C) any increased costs to the Administra-

23 tion resulting from requirements of this section.

1           (2) UPDATES.—The Administrator shall peri-  
2           odically revise such methodology to account for sub-  
3           sequent changes in such costs to the Administration.

4           (e) ANNUAL REPORT BY INSPECTOR GENERAL.—Not  
5           later than 1 year after the date of the enactment of this  
6           Act and annually thereafter, the Inspector General of the  
7           Department of Transportation shall submit to Congress  
8           a report on the implementation of—

9           (1) section 44730 of title 49, United States  
10          Code, as added by subsection (b)(1) of this section;

11          (2) subsection (b)(2) of this section;

12          (3) subsection (h) of section 44924 of such  
13          title, as added by subsection (c) of this section;

14          (4) subsection (d) of this section; and

15          (5) the regulations prescribed or amended  
16          under the provisions described in this subsection.

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