

**49 U.S. Code § 44733 - Inspection of repair stations located outside the United States
(new language as amended by the FAA Extension, Safety, and Security Act)**

- (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 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

(3) 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 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.

(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 the 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) **Definitions.**—In this section, the following definitions apply:

- (1) **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) **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) **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.

Other provisions that don't explicitly amend the U.S. code

(b) **ALCOHOL AND CONTROLLED SUBSTANCES TESTING.**—The Administrator of the Federal Aviation Administration shall ensure that—

- (1) not later than 90 days after the date of enactment of this Act, a notice of proposed rulemaking required pursuant to section 44733(d)(2) is published in the Federal Register; and
- (2) not later than 1 year after the date on which the notice of proposed rulemaking is published in the Federal Register, the rulemaking is finalized.

(c) **BACKGROUND INVESTIGATIONS.**—Not later than 180 days after the date of enactment of this Act, the Administrator shall ensure that each employee of a repair station certificated under part 145 of title 14, Code of Federal Regulations, who performs a safety-sensitive function on an air carrier aircraft has undergone a pre-employment background investigation sufficient to determine whether the individual presents a threat to aviation safety, in a manner that is—

- (1) determined acceptable by the Administrator;
- (2) consistent with the applicable laws of the country in which the repair station is located; and
- (3) consistent with the United States obligations under international agreements.