



"Safety in the Air Begins With Quality Maintenance on the Ground"

Beltway Report

March 2009

AMFA and the 2009 FAA Reauthorization

As reported earlier in March, the House Transportation and Infrastructure Committee approved the FAA Reauthorization Act of 2009, with a number of AMFA-backed initiatives included. As the content of this wide-ranging bill makes the largest single impact on the regulation of the commercial aviation sector, I believe it is important to provide additional details on the three of the most important AMFA issues included in the bill: foreign repair station oversight, regulation of non-certificated maintenance providers, and the revision of FAA oversight procedures.

Increased Foreign Repair Station Regulation

As one of AMFA's main legislative issues for years, Congress is finally prepared to address the lack of oversight at FAA-certificated foreign repair stations. Currently, there is no law that requires FAA inspectors to perform a specific number of annual inspections; instead the rate of inspection depends solely on the time and resources the FAA has allocated for foreign inspections. The new rule, as it is written in the current version of the Reauthorization, would require foreign FAA-certificated repair stations to be inspected at least twice a year, as well as require foreign workers to be subject to the same drug and alcohol testing rules as our American technicians currently are. This measure goes a long way toward making sure safety and regulatory compliance are considered before shipping work off to the lowest bidder.

Regulating Work Done by Non-certificated Maintenance Providers

In another one of AMFA's longstanding initiatives, the 2009 Reauthorization addresses maintenance performed by domestic non-certificated maintenance providers. The bill states that within three years of the enactment of the Reauthorization, the FAA must issue regulations that require *all* maintenance work done on commercial aircraft to be completed by employees of a part 121 carrier, employees of a part 145 maintenance facility, or a contractor of a part 145 maintenance facility that is under "direct supervision and control" of the certificate holder and completes the work in compliance with all applicable manuals. While this rule will mostly codify existing domestic practice, during the rule making process the FAA is required to obtain a complete listing of non-certificated providers and perform "surveillance and oversight" on all non-certificated operations. This will finally shed light on exactly who is performing what maintenance procedures.

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Revision of FAA's Safety Oversight Procedures

The Reauthorization also addresses the lapses in FAA oversight and inspection procedures by changing the current “customer service” initiative to better reflect the FAA’s primary mission: protecting the flying public. The new rules would require increased “cooling off” periods for FAA inspectors, as well requiring the rotation of FAA inspectors to a different carrier every five years. To address incident reporting concerns, especially given the recent withdrawals from ASAP programs, the bill establishes an FAA Whistleblower Office, where inspectors or employees will be provided the protection of anonymity in exchange for incident reporting. Finally, the FAA is required to review all filed incident reports every month in search of nation-wide incident trends; currently, after incidents are resolved, the report is filed away. AMFA will be observing and contributing to the rulemaking process to ensure our members are governed by rules that guarantee safety, but do not subject our work to unnecessary inspection.

Current Status

Having been approved by the House Transportation and Infrastructure Committee, the Reauthorization will, barring an unlikely snag, be approved by the House and sent to the Senate for consideration by the end of March. While the bill is being considered by the Senate, AMFA will work with Congress to ensure that none of the AMFA supported language is amended.

Other News

- In light of new evidence that **Virgin America** no longer qualifies as a “U.S. citizen” according to DOT carrier ownership rules, AMFA has reiterated its support for the **Alaska Air Group’s** petition to the DOT asking investigators to immediately analyze the ownership status of the carrier. It was revealed in March that the two American hedge funds that own 77% of the airline had sold their shares back to the foreign based Virgin Group, therefore violating U.S. foreign ownership rules.
- The push for 100% **employee screening** is being renewed by **Rep. Nita Lowey (D-NY)** yet again. Last year, the Congresswoman used the Homeland Security appropriations bill to create a pilot program to test the viability of screening all airport workers every time they entered a secure/sterile area. With the pilot completed this past August, and the results reported to Congress (but not available to the public), Rep. Lowey’s staff has indicated that she will be proposing further legislation on the issue. While AMFA is committed to the security of America’s aviation infrastructure, our members have long taken exception to this unnecessary burden and will continue to oppose any further action on this issue.