



September 20, 2007

The Honorable John Mica
Ranking Member
House Committee on Transportation
and Infrastructure
Washington, D.C. 20515



Dear Ranking Member Mica:

The undersigned associations wish to register our extreme concern over the pending Managers' amendment to H.R. 2881, FAA Reauthorization Act of 2007.



Air Transport Association

Specifically, section 312 "Noncertificated Maintenance Providers" as drafted may have the unintended consequence of dramatically reducing the capabilities of airlines and repair stations to have certain critical work performed by individuals working at non-certificated facilities. For example, the amendment would make it difficult, if not impossible for repair stations to use qualified non-certificated facilities such as original equipment manufacturers or other companies. These facilities perform a variety of highly-specialized maintenance functions (i.e., welding, heat-treating and machining) under the direct control (but not supervision as stated in § 312(b)(4)(B)) of a Part 145 repair station. Also, airlines and repair station have a long and successful history in using qualified individuals under the oversight of the certified organization. We do not believe the Committee intended to impose this restriction and are proposing the attached clarifying language that would resolve our biggest concerns with the contracting provision.



On a related issue, we express our strong disagreement with the inclusion of language requiring screening programs for alcohol or controlled substances as criteria for foreign repair facility certification. Screening for these substances remains an extra-territorial issue which restricts foreign operators and maintenance organizations, who are responsible for adhering to their own sovereign laws. This sort of unilateral policy generally runs the risk of retaliatory trade disputes and should be avoided.



Finally, as a broad reaching coalition of industry representatives, we thank you for the all the work put into the FAA's reauthorization bill; however, we respectfully request the removal of the two provisions from consideration.



With warmest regards,

Aerospace Industries Association
Aeronautical Repair Station Association
Air Transport Association
Cargo Airlines Association
General Aviation Manufacturers Association
National Air Carriers Association

cc
The Honorable James Oberstar
The Honorable Thomas Petri
The Honorable Jerry Costello

SEC. 312. NONCERTIFICATED MAINTENANCE PROVIDERS

(4) an individual employed by a company that provides contract maintenance (INSERT) “services or” workers to a part 145 repair station or part 121 air carrier, if the individual-

(A) meets the requirements of the part 145 repair station or the part 121 air carrier;

(B) works under the direct- ~~supervision and~~ control of the part 145 repair station or part 121 air carrier; and

(C) carries out the work in accordance with the part 121 air carrier's maintenance manual and, if applicable, the part 145 certificate holder's repair station and quality control manuals.

(1) COVERED MAINTENANCE WORK.-The term "covered maintenance work" means maintenance work that is substantial, ~~regularly scheduled~~, or a required inspection item, as determined by the Administrator.

COMMENT:

Add the words "services or" to cover the situation where an OEM performs a maintenance function for another repair station, usually its own. For example, if Pratt & Whitney is overhauling an engine (substantial maintenance), it may use its OEM side to heat-treat a component. The language as it exists could be read to restrict this since they are not in the business of providing contract maintenance workers.