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AGING AIRCRAFT SAFETY ACT OF 1991 (House of Representatives - April 23, 1991)

[Page: H2438]

Mr. ROE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 172) to assure the continuing airworthiness of **aging aircraft**, and for other purposes, as amended.

The Clerk read as follows:

H.R. 172

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the '**Aging Aircraft Safety Act of 1991**'.

SEC. 2. AGING AIRCRAFT RULEMAKING PROCEEDING.

(a) **In General.**--Not later than 180 days after the date of the enactment of this Act, the Administrator shall initiate a rulemaking proceeding for the purpose of issuing a rule to assure the continuing airworthiness of **aging aircraft**.

(b) Inspections and Record Reviews.--

(1) **General requirement.**--The rule issued pursuant to this section shall, at a minimum, require the Administrator to make such inspections, and conduct such reviews of maintenance and other records, of each **aircraft** used by an air carrier to provide air transportation as may be necessary to enable the Administrator to determine that such **aircraft** is in safe condition and is properly maintained for operation in air transportation.

(2) **Part of heavy maintenance checks.**--The inspections and reviews required under paragraph (1) shall be carried out as part of each heavy maintenance check of the **aircraft** conducted on or after the first day of the 15th year in which the **aircraft** is in service.

(3) **Applicability of federal aviation act.**--The inspections required under paragraph (1) shall be conducted as provided in section 601(a)(3)(C) of the Federal Aviation Act of 1958.

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(3) **Applicability of federal aviation act.**--The inspections required under paragraph (1) shall be conducted as provided in section 601(a)(3)(C) of the Federal Aviation Act of 1958.

(c) **Demonstration of Structural and Parts Maintenance.**--The rule issued pursuant to this section shall, at a minimum, require the air carrier to demonstrate to the Administrator, as part of the inspection required by the rule, that maintenance of the **aircraft's** structure, skin, and other age-sensitive parts and components has been adequate and timely enough to ensure the highest degree of **safety**.

(d) **Procedures.**--The rule issued pursuant to this section shall establish procedures to be followed in carrying out the inspections required by the rule.

(e) **Availability of Aircraft.**--The rule issued pursuant to this section shall require the air carrier to make available to the Administrator the **aircraft** and such inspection, maintenance, and other records pertaining to the **aircraft** as the Administrator may require for carrying out reviews required by the rule.

SEC. 3. AIRCRAFT MAINTENANCE SAFETY PROGRAMS.

Not later than 180 days after the date of the enactment of this Act, the Administrator shall establish--

(1) a program to verify that air carriers are maintaining their **aircraft** in accordance with maintenance programs approved by the Federal Aviation Administration;

(2) a program--

(A) to provide inspectors and engineers of the Federal Aviation Administration with training necessary for conducting auditing inspections of **aircraft** operated by air carriers for corrosion and metal fatigue; and

(B) to enhance participation of such inspectors and engineers in such inspections; and

(3) a program to ensure that air carriers demonstrate to the Administrator their commitment and technical competence to assure the airworthiness of **aircraft** operated by such carriers.

SEC. 4. FOREIGN AIR TRANSPORTATION.

(a) **General Rule.**--The Administrator shall take all possible steps to encourage foreign governments and relevant international organizations to develop standards and requirements for inspections and reviews which will ensure the continuing airworthiness of **aging aircraft** used by foreign air carriers to provide foreign air transportation to and from the United States and which will afford passengers of such foreign air carriers the same level of **safety** as will be afforded passengers of air carriers by implementation of this Act.

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(b) **Report.**--Not later than the last day of the second fiscal year beginning after the date of the enactment of this **Act** , the Administrator shall report to Congress on implementation of this section.

SEC. 5. ADMINISTRATOR DEFINED.

As used in this **Act** , the term 'Administrator' means the Administrator of the Federal Aviation Administration.

The **SPEAKER** pro tempore. Pursuant to the rule, the gentleman from New Jersey [Mr. **Roe**] will be recognized for 20 minutes, and the gentleman from Arkansas [Mr. **Hammerschmidt**] will be recognized for 20 minutes.

The Chair recognizes the gentleman from New Jersey [Mr. **Roe**].

Mr. **ROE**. Mr. Speaker, I yield myself such time as I may consume.

(Mr. **ROE** asked and was given permission to revise and extend his remarks.)

Mr. **ROE**. Mr. Speaker, I rise in strong support of this important legislation to promote aviation **safety** . This bill is necessary to assure the traveling public that as the Nation's airline fleet grows older, the highest standards of **safety** will continue to be maintained.

The bill now before us is virtually identical to a bill, H.R. 3774, passed by the House last July. Unfortunately, the other body did not consider the bill in the last Congress. The problems of **aging aircraft** are important enough for us to pass this bill again.

[TIME: 1300]

Now, at the outset I want to pay high regard to our Aviation Subcommittee chairman, the gentleman from Minnesota [Mr. **Oberstar**], as well as the gentleman from Pennsylvania [Mr. **Clinger**], the ranking Republican, who deserve congratulations for their strong leadership and persistence in getting this bill to protect the **safety** of the traveling public enacted into law and on the issue they have been leaders on in the concern about **aging aircraft** in general.

I also want to commend them for their dedication to the **safety** of the traveling public, and as would be appropriate at this moment, I want to pay my high regard to the staff, both of the majority and the minority in the Public Works Committee, Dave Hiemsfield, Dave Trainman, Charley Ziegler, and Dave Schaeffer

for their outstanding contributions to this very important bill.

By the end of the decade, it will be much more common for airlines to continue to use **aircraft** that are 25 and 30 years old. The public has every right to expect that these older planes will be as safe as the new **aircraft** rolling off the assembly line this afternoon.

Ever since the Aloha Airlines accident 2 years ago, the traveling public has been very concerned about flying on older **aircraft**. The average age of the airlines' fleet is approaching 13 years and will increase for the balance of the decade. To meet the growing demand for air transportation, the airlines will not be able to retire **aircraft** as soon as they expected when they purchased the **aircraft**.

If this is going to be the case, we need to have a special **safety** regulatory and legal framework that takes account of the **aging** of the airline fleet. This bill directs the Federal Aviation Administration to initiate rules to require a special inspection of older **aircraft** with that inspection focused on **aging aircraft** problems.

This inspection will come at a point around the 15th year in the life of an **aircraft** when the **aircraft** is undergoing what is known as a heavy maintenance check. The FAA and the air carrier will inspect the **aircraft** and review maintenance records to specifically assure themselves that the particular **aircraft** has undergone all the required maintenance and repairs aimed at problems associated with the **aging** process.

With a successful completion of this inspection, a traveling public apprehensive about climbing aboard a 20-, 25-, or even 30-year-old **aircraft** will know that these **aircraft** have received special attention and a seal of approval from the Federal Aviation Administration.

This bill also directs the FAA Administrator to take all possible steps to encourage foreign governments and relevant international organizations to develop standards for inspections of **aging aircraft** similar to those required by this bill. In an aviation world that is increasingly global in nature, it is important that the legal and regulatory steps we implement in the country be emulated elsewhere. One aspect of globalization is that increasing numbers of citizens of the United States are flying on foreign carriers, and they should be afforded the same level of **safety** that they have come to expect on U.S. carriers.

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It is also important for competitive reasons that foreign carriers be subjected to similar regulatory requirements as we impose on U.S. carriers. It would put U.S. carriers at a competitive disadvantage to have this additional regulatory burden if their foreign competitors are not subject to similar requirements.

The bill directs the FAA Administrator to use his good offices aggressively to convince other governments of the importance of special inspections of **aging aircraft**.

The traveling public is looking for strong assurances from the Congress that their **safety** is being protected to the greatest extent possible. Since the summer of 1988, the FAA and the industry have been doing a great deal to rectify the problems of **aging aircraft**. This bill mandates an additional layer of protection for the traveling public. With this legislation, the public will have assurances that the Government has addressed their concerns regarding **aging aircraft** and has moved aggressively to cure any **safety** problems.

Again, I urge the House to pass this important **aircraft safety** legislation.

[Page: H2439]

Mr. HAMMERSCHMIDT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to commend the chairman of our Aviation Subcommittee, the gentleman from Minnesota [Mr. **Oberstar**], the ranking minority member, the gentleman from Pennsylvania [Mr. **Clinger**] for their initiative on H.R. 172, and I also appreciate the help of the very able chairman, the gentleman from New Jersey [Mr. **Roe**] and his leadership in bringing this bill to the floor today.

For many years, aviation experts had assumed that an **aircraft**, properly inspected and maintained, could fly virtually forever. However, that assumption was dramatically called into question 3 years ago when the top blew off a 19-year-old Aloha Airlines Boeing 737 over Hawaii and a flight attendant was swept to her death.

The **aircraft** involved in that accident was one of the oldest 737's in the fleet. After the accident, the National Transportation **Safety** Board inspected the plane. It found that there was significant corrosion and cracking throughout the airplane's structure.

The Aloha Airlines accident and other incidents have heightened concern about **aging aircraft** and led to a complete reexamination of the way we approach the problem.

Some have suggested that older **aircraft** should automatically be retired when they reach a certain age. However, this sort of drastic action does not seem to be necessary.

Moreover, given the current backlog in **aircraft** orders, I doubt that our manufacturers could replace the old planes fast enough.

Therefore, the industry has taken a different approach. It has formed a task force that has made recommendations to the FAA. These recommendations require airlines to undertake extensive and costly structural modifications to older planes. In some cases, parts will have to be entirely replaced.

The FAA is implementing these recommendations. This represents a significant shift from its past policy of merely relying on inspections to uncover problem areas.

Now it will require changes to be made to the **aircraft** at certain intervals even before problems begin to appear.

The cost of all of this to the Government will be about \$1 million over the next 3 years. However, the cost to the airlines will be much greater. For Boeing **aircraft**, it has been estimated that the cost of making the required changes will be \$600,000 per **aircraft** and \$800 million for the entire fleet. Repairs on the McDonnell Douglas **aircraft** are expected to cost \$269,000 per **aircraft** and \$563 million for the entire fleet.

While these costs are not insignificant, they are necessary in order to ensure the **safety** of an **aging** fleet.

So I am pleased that the aviation industry and the FAA have acknowledged the **aging aircraft** problem and have moved to address it, but it is also important for Congress to **act** in this area.

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The laws must be changed to reflect the fact that repair of **aging aircraft** will play an increasingly important role in the maintenance programs of the FAA and the airlines.

In my view, the bill before us now is a good one. It will help to reassure the flying public about the **safety** of older airplanes. It should give them confidence that the commercial **aircraft** in which they fly are safe regardless of their age. Therefore, I support this bill and urge its passage by the House.

Mr. Speaker, let me say that if it was not for the initiative of our good friend and distinguished chairman, the gentleman from Minnesota [Mr. **Oberstar**] and the ranking member, the gentleman from Pennsylvania [Mr. **Clinger**], this bill would not be on the floor; so again I compliment them and I thank my distinguished chairman, the gentleman from New Jersey [Mr. **Roe**] for bringing it to the House today.

Mr. ROE. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Texas [Mr. **Laughlin**].

Mr. LAUGHLIN. Mr. Speaker, as a member of the House Public Works and Transportation Committee and the Subcommittee on Aviation, I am glad to express my support for H.R. 172, the **Aging Aircraft Safety Act**. I commend our subcommittee and full committee chairman for expeditiously bringing this legislation to the floor.

In 1988, the number of **aircraft** 20 years or older comprised 28 percent of the world jet transport fleet. The FAA projects that this will increase to 35 percent in 1995 and 40 percent in the year 2000. These figures make maintenance on **aging aircraft** an increasingly important aspect of air carriers' maintenance programs.

I believe that requiring special inspections and implementing mandatory review procedures for **aircraft** which have been in service for extended periods of time is a move in the right direction to eliminate the possibilities of danger in older **aircraft**. The **Aging Aircraft Safety Act** directs the FAA to inspect and evaluate the consequences of **aging** individual **aircraft** after they are 15 years old. This added **safety** check would confirm that an older plane is airworthy along with ensuring passengers that all necessary steps have been taken to properly operate older **aircraft**. It is also important to note that the Public Works and Transportation Committee voted to encourage foreign carriers to inspect **aging aircraft**. Many U.S. citizens fly on foreign carriers as well as many foreigners fly on our **aircraft** and I would hope that all carriers, foreign and domestic, would want to provide the best service and safest planes for their passengers. Assuredly, I and the other members of the Public Works and Transportation Committee want to send a strong message to the traveling public that the planes they are riding in are inspected to ensure the utmost **safety** during their flight.

[Page: H2440]

[TIME: 1310]

Mr. HAMMERSCHMIDT. Mr. Speaker, I yield such time as he may consume to the distinguished ranking minority member of our subcommittee, the gentleman from Pennsylvania [Mr. **Clinger**].

Mr. CLINGER. Mr. Speaker, I thank the gentleman from Arkansas for yielding time to me.

Mr. Speaker, I rise in strong support of H.R. 172.

Before beginning my formal remarks, I wish to commend the chairman of the committee, **Bob Roe**, ranking Republican **John Paul Hammerschmidt**, and especially the chairman of the Aviation Subcommittee, **Jim Oberstar**, for their leadership bringing this bill to the House floor.

Mr. Speaker, during the 101st Congress, the House considered similar legislation on the suspensions calendar and the bill, H.R. 3774, was unanimously approved by voice vote. However, the Senate failed to take it up.

The legislation before us today, H.R. 172, is identical to the previous bill with one minor, but important, exception. During committee consideration last week, Chairman **Bob Roe** offered an amendment that was unanimously adopted. I will explain his amendment in one moment.

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The **Aging Aircraft Safety Act** is a product of extensive hearings held by the Aviation Subcommittee and the Investigations and Oversight Subcommittee during the 100th and 101st Congresses. Our committee had begun to explore the phenomenon of **aging aircraft** well before the Aloha Airlines accident that occurred in April 1988.

Testimony delivered during these hearings clearly demonstrated that operators flying identical types of **aircraft** often approached the task of maintenance, inspection, and replacement in significantly different fashions, raising the specter that approved maintenance practices are not uniform and may not be equally effective.

Compounding this uneven treatment of **aircraft** maintenance is the practice of buying, selling, and leasing **aircraft**. I have great concerns about individual **aircraft** being bought and sold repetitively during its lifetime without any one carrier doing more than minimally necessary to satisfy maintenance requirements. In addition, I suspect there are commercial operators who don't have the financial resources to pay for expensive maintenance and overhaul, and who only do the absolute minimum to keep their fleet airworthy.

The Aloha accident had the effect of galvanizing government and industry from simply discussing the problem to initiating an extensive and comprehensive array of programs directed toward inspection and repair of **aircraft** for **aging** related defects.

Much to their credit, the Federal Aviation Administration, the carriers and the manufacturers developed a series of mandated inspections and replacement programs for commercial **aircraft**, which is well underway today.

And I might add, enactment of last year's airport construction legislation will have the beneficial effect of accelerating the retirement of older and potentially less-safe **aircraft** because of the stringent stage 3 noise standards included in the bill.

H.R. 172 would impose an additional step beyond those taken by the government industry task force I mentioned a moment ago; it would require the operator to demonstrate that the **aircraft** has met all maintenance requirements; that critical life-limited components have been replaced; and that ongoing, thorough inspections demonstrate the continued airworthiness of the **aircraft**.

The Roe amendment requires the FAA Administrator to encourage foreign governments and international organizations to adopt similar **aging aircraft** programs for inspections and reviews, so as to afford passengers on foreign-flagged **aircraft** the same level of **safety**.

Mr. Chairman, while I believe the industry-government initiatives have, for the most part, achieved many of the goals of this legislation, I strongly support H.R. 172. Older **aircraft** should be subject to continuing inspections during heavy maintenance checks to insure airworthiness. Such an inspection would not only assure the carrier, but it would serve to reinforce the flying public's confidence in our aviation system.

I encourage all Members to support this legislation.

Mr. ROE. Mr. Speaker, I yield 4 minutes to the distinguished gentleman from Oklahoma [Mr. English].

Mr. ENGLISH asked and was given permission to revise and extend his remarks.)

Mr. ENGLISH. Mr. Speaker, I rise this afternoon to lend my solid support to H.R. 172. As a frequent passenger on the Nation's airlines, I have a keen sense of concern that the Federal Government, and the FAA specifically, utilize every resource available to ensure the **safety** of the traveling public. Indeed, the statistics presented by my friends Mr. **Roe** and Mr. **Oberstar** concerning the **aging** air fleet is alarming.

Given the substantial increase in the number of passengers flying today, airlines are forced to increase the size of their fleets. However, commercial **aircraft** orders are backlogged and deliveries are taking much longer--sometimes as long as 5 years. Hence, we see airlines retaining their existing fleets longer than originally anticipated. For example, in 1988, 28 percent of the world's commercial jets were 20 years old or older. By the year 2000, that number is expected to rise to 40 percent. This legislation specifically addresses the issue of the **aging** air fleet with a bold approach to enhance the FAA's ability to monitor this situation.

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I am specifically impressed with the bill's mandate that the FAA develop a **safety** program to enhance the training of its inspectors and engineers to conduct corrosion and metal fatigue inspections. This is a particularly important response to the **aging** air-fleet issue. Today's FAA inspectors must have the very best training available to ensure that **aging aircraft** are maintained to the most rigid **safety** standards possible.

Finally, Mr. Speaker, I hope that Congress will soon address a similar matter which is of great concern to me. Since 1926, **aircraft** mechanics and repairmen have been issued one type of rating, commonly known as the airframe and powerplant, or A&P. While pilot ratings have expanded with the advent of new technology, **aircraft** mechanics to this day are still issued the same rating, the A&P. I know the FAA is exploring this issue and I hope that I can work with my colleagues Mr. **Roe** and Mr. **Oberstar** to ensure that this important matter is addressed in the near future.

I urge my colleagues to support this bill.

Mr. Speaker, I would like to engage, if I could, the chairman, the gentleman from New Jersey [Mr. **Roe**], in a colloquy.

Mr. Speaker, I have been concerned about the need for all FAA maintenance **safety** inspectors, particularly those who work with commercial transport category **aircraft**, to have the finest training available in the world. Today's FAA inspector is typically hired out of the general aviation industry with little or no practical experience on commercial transport **aircraft**. One significant reason for this is the salary level available to pay FAA inspectors. When compared with the commercial airline industry's salaries for mechanics and inspectors, the FAA's salary level is simply not competitive. Hence, we tend to see general aviation-trained inspectors and mechanics being rushed through an FAA commercial transport category training and orientation program in a matter of a few weeks. Upon completion, they are sent to the field and expected to ensure that commercial **aircraft** mechanics and inspectors, with years of experience, are properly doing their jobs. I am anxious to give the FAA the tools it needs to effectively train its commercial **aircraft** maintenance **safety** inspectors. We owe the general public no less. To accomplish this, I feel it is important that the FAA utilize outside resources to support the new requirements you establish in this legislation.

My question is this: Would it be consistent with this measure that the FAA could look to outside sources, such as public aviation maintenance training schools, as effective tools to enhance the training of its inspectors in order that they may receive the very best training available?

[TIME: 1320]

Mr. ROE. Mr. Speaker, if the gentleman will yield, yes; it certainly would be consistent with the bill's purpose that the FAA draw upon whatever resources, including those outside the agency, to carry out the training of its personnel. And I would encourage the agency to do so when it appeared to be the best way to get this important training accomplished. I thank the gentleman for bringing this point to the debate on this bill.

Mr. OBERSTAR. Mr. Speaker, would the gentleman yield further.

Mr. ENGLISH. I am happy to yield to the subcommittee chairman.

Mr. OBERSTAR. Mr. Speaker, subsection 2 of section 3 of the bill directs the Administrator of FAA to establish a program to provide inspectors and engineers of the Federal Aviation Administration with training necessary to conduct the 'auditing inspections of aircraft operated by air carriers for corrosion and metal fatigue,' the exact words of the bill. The FAA could very well include in such rulemaking the opportunities outside the agency for such training and enhancement. Certainly there is plenty of opportunity for the FAA to engage and to bring into its orbit all the technical expertise available to this vitally important subject matter. So what the gentleman is suggesting is certainly in line with what we have in mind in the bill.

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Human factors are critically important. Training the inspectors to the best technology available today is what we have in mind in this legislation.

Mr. ENGLISH. Mr. Speaker, I thank the gentleman from Minnesota. I want to commend the committee.

Mr. HAMMERSCHMIDT. Mr. Speaker, I yield 3 minutes to the gentleman from Florida [Mr. Lewis], the ranking minority member of the Technology and Competitiveness Subcommittee of the Committee on Science, Space, and Technology.

(Mr. LEWIS of Florida asked and was given permission to revise and extend his remarks.)

Mr. LEWIS of Florida. Mr. Speaker, I rise in strong support of H.R. 172, the **Aging Aircraft Safety Act of 1991**. This legislation is indeed an important step toward improving aviation **safety**.

The Public Works and Transportation Committee is to be congratulated for bringing this legislation to the floor in such a timely fashion.

I especially want to recognize the hard work of Chairman **Roe**, ranking Republican member **Hammerschmidt**, and the Aviation Subcommittee, led by Mr. **Oberstar** and Mr. **Clinger**.

Few would have expected the impact of the 1988 Aloha Airlines flight which had the top torn off. At the time, it was thought to be a 1 in 10 billion occurrence.

However, closer examination showed it to be caused by structural cracks, which have become all too common. Although significant progress in both research toward uncovering structural problems--and in regulating the industry--have been made, I fully agree with the committee that a more aggressive schedule of rulemaking is needed to ensure the continuing airworthiness of **aging aircraft**.

This bill is a bold step but one whose time has come. I urge my colleagues to support this landmark legislation that will improve aviation **safety** for the flying public.

Mr. ROE. Mr. Speaker, I yield 2 minutes to the distinguished chairman of the Subcommittee on Economic Development, the gentleman from Pennsylvania [Mr. **Kolter**].

Mr. KOLTER. Mr. Speaker, I rise in strong support of H.R. 172, the **Aging Aircraft Act of 1991**.

H.R. 172 received unanimous, bipartisan support in the Public Works and Transportation Committee. Last

year, the House of Representatives passed identical legislation by voice vote but the bill died awaiting action by the other body.

This legislation comes at a troubling time for the American airline industry. Each of the major carriers is suffering from some degree of financial stress as a result of the national recession, gulf war terrorism threats, and fuel price increases. Pressure is mounting on the airlines to cut back whenever and wherever possible. We must ensure that **safety** is not sacrificed through the use of older planes that have outlived their airworthiness. I believe this bill accomplishes that goal.

H.R. 172 will establish a thorough system of **aircraft** inspection which will aid in avoiding any future accidents similar to the Aloha Airlines' 737 accident of April 1988, that killed a flight attendant and seriously wounded eight others. The National Transportation **Safety** Board determined that metal fatigue was a major contributing factor in that accident. The Board also determined that there was a breakdown in the inspection and maintenance program. The legislation we are debating today will address these problems by requiring a comprehensive inspection of each **aircraft** as part of its heavy maintenance check after 15 years of service.

Mr. Speaker, this legislation will provide for safer **aircraft** , without placing burdensome requirements on the airlines. It is a bill that everyone can live with.

I urge my colleagues to support this bill, and I thank my colleague, Chairman **Jim Oberstar**, for his many hours of time and effort on behalf of **aircraft safety** .

Mr. HAMMERSCHMIDT. Mr. Speaker, I have no further requests for time, and I reserve the balance of my time.

Mr. ROE. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Kansas [Mr. **Glickman**].

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AGING AIRCRAFT SAFETY ACT OF 1991 (House of Representatives - April 23, 1991)

Mr. GLICKMAN. Mr. Speaker, I thank my colleagues, the chairman of the Committee on Public Works and Transportation, for yielding time to me.

Mr. Speaker, this is a very important bill. Millions of Americans fly every year. It is the primary means of mass transportation in America. Yet over the last 10 or 15 years, particularly as we have gone into this era of deregulation, there have been more and more questions about the **safety** of air transportation.

For the most part, air transportation is very safe, but there are some very significant facts which should be brought out. First, most airlines in this country are suffering financially. Most have suffered economic losses in the last couple of years. Their planes are getting older. Airplanes are older, and there are fewer newer planes in the system than there used to be. That means the older planes that are being flown, coupled with the airlines that have suffered some economic loss, is a recipe not for automatic **safety** loss but for the possibility that maintenance will not be done as well as it should be.

This bill acts as a good disincentive to that particular fact, and I compliment the chairman of the committee.

Second, deregulation of the airlines changed the way airplanes fly in this country. Before deregulation, airplanes were flying fewer hours every day, making fewer landings and fewer takeoffs. There were no hub airports. They did not have to keep an airplane in the sky 12, 14, or 16 hours in the day just to keep that airplane flying profitably. When they have as many landings and takeoffs as they do, there is must more stress on a particular airplane than there used to be in days gone by. That means the plane needs more inspection, more maintenance, not less.

Deregulation is OK in some cases, as long as the **safety** aspects are properly adhered to. This bill makes sure that these older airplanes, flying under very stressful, deregulated conditions, will have the appropriate kind of maintenance, and it may just prevent an accident of the type that Aloha Airlines was involved in.

Mr. Speaker, for the millions of Americans who fly all the time on the great airlines of this country, this bill should give them some confidence that aviation is safe.

[Page: H2442]

[TIME: 1330]

Mr. ROE. Mr. Speaker, I yield 5 minutes to the distinguished chairman of our Subcommittee on Aviation, the gentleman from Minnesota [Mr. **Oberstar**], who has been a real true leader in this field of **safety** in

aircraft .

Mr. OBERSTAR. Mr. Speaker, I appreciate the kind words of the gentleman from New Jersey [Mr. Roe].

Mr. Speaker, we meet on the eve of the third anniversary of an event that shook the aviation world to its roots and triggered the legislation pending before us today, H.R. 172, the **Aging Aircraft Safety Act of 1991** .

On April 28, 1988, during what otherwise would have been a routine inter-Hawaiian Islands flight, some 18 feet of the fuselage of an Aloha Airlines 737 ripped off the top of that **aircraft** , defying an accepted theory of **aircraft** metal fatigue, corrosion, and cracking, that the hull is so designed and built to fail safely. It did not.

That incident, in and of itself, changed the way we think about maintenance of **aircraft** , changed the way the industry, manufacturers, air carriers, and the FAA, conduct maintenance on what we call in the trade high-time **aircraft** .

What concerned me then was not that there was not a tracking system for **aging aircraft** . There was. It was not that the system was not used. It was.

What concerned me, was that all the right steps were taken, but for flight attendant Clara Bell Lansing and the injured and frightened passengers aboard Aloha flight 243, the system failed. For Ms. Lansing, the failure was fatal.

As the Nation's air traffic continues to skyrocket, **aircraft** that were expected to be retired at the end of their design lives will be kept in service to meet growing passenger demand. Last year some 2,400 **aircraft** were more than 20 years old. By the end of this decade, by the turn of the century, we expect that more than 5,700 **aircraft** will reach that age. The **aging aircraft** phenomenon is on our doorstep for keeps.

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AGING AIRCRAFT SAFETY ACT OF 1991 (House of Representatives - April 23, 1991)

The industry, that is, manufacturers and air carriers, and the FAA, responded appropriately. I will still recall with very vivid feeling the first **aging aircraft** conference called by then FAA Administrator Allan McArtor.

There was an electricity in that room as over 400 experts from all over the world gathered in 1 room here in Washington to talk about this phenomenon that had so shaken their confidence in the theory of **aircraft** design and **aircraft** maintenance and inspection.

They were determined that something good would come of that tragedy, and that something useful and lasting would come of that conference. And it did.

The industry has taken appropriate steps, the FAA has taken appropriate steps. But those of us on the then Subcommittee on Investigations and Oversight, and now on the Subcommittee on Aviation, who have been following the maintenance issue for so many years and holding so many hearings on it, felt that more was needed, that there needed to be a legislative framework within which the administrative steps and actions taken by the industry, as well as the FAA, could be monitored and given a clearer legal definition.

Mr. Speaker, I want to take this opportunity to thank the gentleman from Pennsylvania [Mr. **Clinger**], the ranking Republican on our subcommittee, for the hours and hours that he put in with me on this issue, both in the Subcommittee on Investigations and Oversight, and the Subcommittee on Aviation. We literally devoted dozens and dozens of hours, both in committee and in preparation

for hearings and developing of this legislation, to bring this bill to the floor in the shape that it is today. Of course, I would also like to commend our dedicated staff, whom the chairman of the full committee has already recognized.

Mr. Speaker, I also want to pay appropriate recognition to our ranking member of the full committee, the gentleman from Arkansas [Mr. **Hammerschmidt**], who devoted a good many of the hours, at the I&O Subcommittee hearings, and the Subcommittee on Aviation hearings, to walking through this issue with us, and to our full committee chairman, the gentleman from New Jersey [Mr. **Roe**], who has demonstrated his real commitment and concern to aviation **safety**.

Mr. Speaker, this legislation brings to its fullness the series of regulatory actions taken by the FAA to put in place a framework within which more effective maintenance can be done on high-time **aircraft**.

Mr. Speaker, I would include in the **Record** a more detailed statement of the specifics that this legislation includes in the direction and the path on which it takes us for the future.

- Before Aloha, a key assumption was that inspections for cracks and other damage could be discovered through routine, periodic inspections, and after discovered, the cracks could be repaired. The Achilles heel of this approach was the reliance and dependence on inspections to detect cracks. The Aloha accident revealed that placing so much reliance on inspections did not serve the highest degree of **safety**, because cracks could be missed even under optimum inspection conditions.
- Given the difficulty of these sorts of inspections to detect all potentially dangerous cracks, that assumption has been scrapped and we now have a new and improved approach. The approach now is to establish life limits to various structures and parts so that
- replacement of parts comes at certain intervals even if no crack reveals itself through inspections.
- H.R. 172 builds on this new approach by requiring the FAA to make a special **aircraft -by-aircraft** inspection and assessment focused specifically on **aging aircraft** issues.
- While I generally expect the industry and the FAA to do what is expected on the **aging aircraft** problem, I believe we need to develop a special regulatory and **safety** assurance system to ensure that all of the **aging aircraft** maintenance work now being required is actually accomplished.

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AGING AIRCRAFT SAFETY ACT OF 1991 (House of Representatives - April 23, 1991)

- This is necessary for three reasons. First, relatively few **aircraft** in the fleet will be retired over the next several years which means the average age of the fleet will significantly increase. Maintenance on **aging aircraft** will become an increasingly important aspect of air carriers' maintenance programs. Also, **aircraft** are increasingly being operated longer than was anticipated at the time of their manufacture. Prudence dictates that our legal and regulatory philosophy and framework recognize this, so that we are not simply relying upon the ordinary airworthiness compliance process for addressing this critical problem of increasing significance.
- Second, when it comes to ownership of **aircraft**, the airline industry today is a web of complex ownership and leasing relationships and financial transactions. The specter of maintenance work being deferred to the next owner or lessee in order to save money is very real. This bill will ensure that from an FAA perspective that necessary work is accomplished and not deferred from owner to owner.
- Third, for all the industry and the FAA have done to address the **aging aircraft** problem and they are to be strongly commended--I have a sense most of it has been lost on the traveling public. The public should not be expected to sort out airworthiness directives, service bulletins, economic design life, and other arcane terms in determining their comfort level with flying. The public is very concerned about older **aircraft**. Let's develop a system of **safety** assurance that the public does not have to struggle and grapple with in order to feel assured. Under this bill, the question asked is straightforward: 'Is this old airplane safe?' And under this bill, the answer will be equally straightforward: 'yes' or 'no.'
- The bill also directs the addition of and emphasis on three **aircraft safety** maintenance programs: A program to verify air carrier compliance with approved maintenance procedures; a program of improved training of FAA's inspectors and engineers and enhanced participation for them in the **aircraft** inspection process; and a program to ensure air carriers' commitment and technical competence with regard to airworthiness. These programs were suggested by testimony in the hearings, and I believe they improve the bill and its purpose.
- Again, I urge our colleagues to support and pass H.R. 172.

Mr. Speaker, suffice it to say, this legislation will keep us on a path toward maintenance, more effectively, more diligently, more intensively, toward maintaining **aircraft** as they reach the higher end of their economic design life. Never again should a tragedy of the kind that occurred to Ms. Lansing and the passengers aboard Aloha 243 occur because the system failed. With this legislation, we intend to fix the system, and to assure air travelers that when they get on board an **aircraft**, all has been done that

reasonably and responsibly could and should be done to ensure this is a safe **aircraft** .

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[Page: H2443]

- Mr. BORSKI. Mr. Speaker, I rise in strong support of H.R. 172.
- I want to congratulate the chairman of the Aviation Subcommittee **Jim Oberstar** and ranking minority member **Bill Clinger** for bringing to the floor legislation which mandates tough new protections to assure the continuing airworthiness of **aging U.S. aircraft** .
- And I want to commend Public Works Committee Chairman **Bob Roe** for his great foresight in amending the bill at committee markup to ensure that **aging** foreign carriers meet the same level of **safety** as U.S. carriers.
- GAO has documented that a considerable number of U.S. **aircraft** are being sold to foreign carriers whose maintenance and operations procedures are beyond the reach of the FAA.
- This raises serious concerns about the **safety** of U.S. citizens traveling aboard these **aircraft** and the millions of Americans who live and work close to airports where these planes takeoff and land.

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AGING AIRCRAFT SAFETY ACT OF 1991 (House of Representatives - April 23, 1991)

- Of Equal importance is the economic threat to U.S. carriers from foreign carriers who gain an unfair advantage by cutting corners on inspections and maintenance of **aging aircraft**.
- Presently the investigations and oversight subcommittee, which I chair, is exploring the safety consequences posed by so-called loophole airlines.
- These airlines are operated and controlled by American businessmen but fly under foreign flag to avoid U.S. regulations and surveillance.
- The chairman's amendment to this bill is a step in the right direction in creating a more level playing field and I heartedly support his efforts.

The SPEAKER pro tempore (Mr. **Mazzoli**). All time on the part of the gentleman from New Jersey [Mr. **Roe**] has expired.

Mr. HAMMERSCHMIDT. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey [Mr. **Roe**] that the House suspend the rules and pass the bill, H.R. 172, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

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