



**COMMITTEE ON TRANSPORTATION &
INFRASTRUCTURE**

Statement of Congressman Elijah E. Cummings

**“Critical Lapses in FAA Safety Oversight of Airlines:
Abuses of Regulatory ‘Partnership Programs’”**

April 3, 2008 – 10:00 a.m.
2167 Rayburn House Office Building

Mr. Chairman:

When passengers board a plane, they are surrendering control of their fates. This is a dramatic statement – but there is no other way to describe it. They are getting on a flying piece of metal that is going to leave the surface of the earth, hurl them through the air at a speed of hundreds of miles an hour, and then return them to the earth.

This process is now so common that we take it for granted. Nonetheless I – and I suspect most of the flying public – still find this process to be both awesome and frightening.

We have confidence in the process – and yet many of us find thoughts of how this almost miraculous process can go wrong crossing our minds as we sit down in our increasingly tiny seats and strap on our seat belts.

And because many things can go wrong during a flight, Congress has created a substantial regulatory regime to make sure that everything that can be done to make commercial aviation safe is done.

It is the Federal Aviation Administration (FAA) that is responsible for enforcing these regulations. Our Committee, in turn, has the responsibility of overseeing the FAA’s implementation of this regulatory regime. This is a responsibility we owe directly to those passengers who surrender their fates to our nation’s airlines.

Committee investigators have found that at least one airline, Southwest, allowed aircraft to miss required maintenance inspections – in some cases by up to 30 months.

The airline voluntarily disclosed these instances of non-compliance to the FAA but, with the apparent knowledge of some FAA inspectors, non-compliant aircraft were allowed to continue to fly against regulations before getting their required inspections.

This is an unacceptable situation – and it is particularly troubling that this might not be the only such incident either at this airline or at other airlines now in operation.

Under the light of stricter scrutiny that has been shone on air operations since news of the Committee's investigation became public, several airlines have voluntarily grounded aircraft – apparently to conduct required inspections.

Certainly, Southwest has an excellent safety record, and the recent safety record of the aviation industry has been very strong, but the failure to perform a required inspection – particularly inspections that are mandated to examine individual plane models for problems known to have occurred on those models – is taking an unnecessary and unacceptable risk with safety.

Even more troubling, however, is the strong evidence that there was a cozy relationship between some Southwest personnel and FAA officials – and that that type of cozy relationship is not unique to that airline.

I support the voluntary disclosure system created in current regulations – and I believe that any airline acting in good faith to disclose and correct violations should not suffer a punishment.

However, the voluntary disclosure system can only be effective if non-compliant aircraft are brought into compliance as soon as the violation is identified.

Now, of course, the FAA is suddenly requiring extensive compliance reviews and airlines are grounding planes apparently to conduct inspections. These are appropriate steps – but the fact that we reached a point where these actions have become necessary indicates that safety systems have broken down. We need to understand how these breakdowns could have occurred and how they can be prevented from ever reoccurring.

At the same time, the airlines are also pledging their determination to resolve any compliance issues while continually trumpeting their deepest dedication to operational safety. Dedication to safety is demonstrated by actions. The fact that no accidents occurred does not mean that no risks were being taken.

I have a continuing fear that our nation has entered a time of regulatory permissiveness – marked in part by a preference for “partnership” over enforcement.

The current problems with the airline safety regime – coming on the heels of FEMA's inability to respond to the most basic needs of our fellow citizens in the Gulf Coast, or the problems plaguing the Coast Guard's Deepwater procurement program, or the collapse of a major bridge on the U.S. interstate system – cause me to fear that this permissiveness is feeding a culture of mediocrity that threatens our greatness as a nation.

We can and we must do better. Not one airplane passenger should ever feel the need to question whether every safety precaution was taken before they are taxiing down the runway. Cozy partnerships among friends should never be allowed to interfere with an effective safety system when millions of lives are at stake.

Mr. Chairman, I thank you for calling today's hearing, I look forward to the testimony of today's witnesses, and I yield back.