

EXPERIMENTAL AIRCRAFT ASSOCIATION  
CHAPTER 35 NEWSLETTER

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JANUARY MEETING: 7PM January 14, 1989 at the (99.9% complete)  
Chapter building, 15474 FM 471W. PROGRAM: a presentation by Al Campbell  
on Howard Hughes' "Spruce Goose"

PREZ SEZ:

Happy New Year Folks!

If you missed the Christmas Party-meeting in the new Chapter building, you missed a wonderful time! 74 members & guests gathered around our beautiful new fireplace and I think we all concur that Mason Hunt is a genius, and an artist with stone. Partygoers also heartily approved of our caterers and the wonderful meal they prepared for us.

1989 promises to be a busy one for us. We will put the finishing touches on the "Casa de Chapter 35", instigate & participate in many flying and educational activities, and continue the fight for our flying freedoms. I want to thank all of you for your hard work this past year. Your interest and participation are what keep this Chapter alive and growing!

The Kerrville Fly-In Board of Directors meeting will be held January 14 & 15. If you have not attended one of these strategy planning sessions before, I'd be glad to have your company. There will be election of officers and advance planning for Kerrville '89! Last year was such a disappointment to all of us. One lonely Mooney-Mite made it in from Abilene-Gilbert didn't discourage him! ...I'm restless and ready for a fly-in! By the way, if you'd like a souvenir of "Almost, '88" there will be Brochures, pins and patches for sale at the meeting.

HOMEBUILDING EXPERTS, have you built, or do you know someone who has built a Wag-Aero 2x2? I've received a note from an EAA "cousin" of Chapter 380 in Grand Fork ND who is building a Wag-Aero 2x2 using a Ford V-6. If you have knowledge of either, please call me ASAP, as cousin "George" \_\_\_\_\_ (I can't read his last name!) will be in SA this month for a convention.

TIRE-KICKING this month will be at Harold Pue's to view his "5151 Mustang", SUNDAY, JAN 15TH, AT 1:00 PM, we will caravan from San Geronimo Airpark or you can go on your own, whichever is more convenient. From Bandera take rte. 173 to 3240. Turn left on 3240 (1/2 mile past courthouse & just past cemetery). In about 1/2 mile, turn left on 2828. Take the first road (dirt) to your right-(look for white painted entrance with several names above it, including Harold & Frances Pue. Drive up the road 1.4 miles, across the creek & thru the gate and you'll find yourself in Harold's front yard, with his hangar and 1,500 ft airstrip (152 radial) on your left. The hangar is interesting, too. All built by Harold using cast-in-place columns and beams. Harold says "if you don't go all the way to the end of the road, you ain't there yet!"

If you get lost, or can't make sense of this, please call Harold @ 589-7722.



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Next Month, the newsletter will continue to highlight members and their interests/projects etc. Please help by writing a short bio about yourself and sending it to returning newsletter Editor Paul McKinley.

FEB 12 - 747 FLY-OUT LUNCH @ the Aviator's Cafe, New Braunfels Muni  
Let's join them.

'89 DUES are due! Send your check for \$12.00 to Treasurer Shirley Baker, or bring it to the meeting.

### Tails of the Gold Monkey (revisited) (by the editor)

Such a pleasure it is to once again be before such an august group. I have had such a warm welcome from all the members. Thank you for the opportunity once again to be your spokesman.

First on the agenda is thanks for all the effort in staging our Annual Christmas Party. As always, Linda Campbell was a tireless worker, including providing the beautiful decorations. Also responsible for the decorations were Al Campbell, Nancy & Lew Mason, Dennis & Gail Scheidt, and of course our illustrious President, Barbara Martin. Someone must have told her to stuff it, because she did -- newspaper into the soffitts, else we would have freezen to death in the cold North wind.

Thanks also to Harold Pue, who not only supplied the firewood, but kept the fire going, much to the favor of all attending.

Awards were given to Dan Cerna, George Waterman and Lee Sprott, for their contributions to the chapter above and beyond. We really do have some great folks in this chapter!

And on to other topics...

For those who missed my Tire-Kicking, I am fairly well along on my BD-5. I had the fuselage assembled, with the help of thousands of clecos for the tire-kicking, however I immediately afterwards took it back apart

again so that I could begin the radiator mount work. As you may know, we have two other BD-5 builders in the chapter, and one who I believe used to be in the chapter. Jim Rountree is also working on what used to be a BD-5, but would be better called a JR-5 with the mods he has planned. Anyway, one is almost ready to fly (Darryl Shewmaker), the other about 80% complete (Francis Govers). Mine has been flown by its builder/previous owner with the original Hirth snowmobile engine. Since I am allergic to dead-stick landings, I decided to do the stretch and convert to turbo-honda power, hence I am about 70% complete.

I am also in the midst of an Annual for Arrow '250. New nosewheel tire, intercom, ELT battery, etc., etc.

EAA HQ:

is working with FAA to produce an educational program to improve aviation safety during test flites of homebuild aircraft. The program will include written and audio-visual presentation. A circular is expected by OSHKOSH 89, with a slide/tape presentation available 12/89 and video by fall '90.

This is courtesy of another chapter newsletter, however the letterhead for credit is missing:

Xvxn though my typx writxr is an old modxl, it works quitx wxll xxcxpt for onx of thx kxys. I'vx wishxd many timxs that it workxd

pxrxfctly. Trux, thxrx arx forty-two kxys functioning wxll xnough, but just onx kxy not working makxs thx diffxrxncx. Somxtimxs, it sxxms to mx that our organization is somxwht likx my typxwritxr-- not all thx kxy pxoplx arx working propxrlly. You might say, "Wxll, I'm only onx pxrson. It won't makx much diffxrxncx". But you sxx, thx organization, to bx xffixixnt, nxxds thx activx participation of vxvry pxrson. Thx nxxt timx you think your xfforts arxn't nxxdxd, rxmxmbxr my typxwritxr, and say to yoursxlf, "I am a kxy pxrson and am nxxdxd vxry much."

The above is as much a compliment to everyone as it is a challenge. We should be proud of the things we have accomplished, just think of what we can do in the future.

WHAT'S YOUR OPINION?

A "professional" pilot rented a house at a small airport -- very short with obstructions both ends, houses along the side, and a reputation for being difficult. Shortly after moving in, he invited several friends who were like-model enthusiasts to fly in for a Sunday afternoon bar-b-q. One of these pilots had just previously earned his shiny new private certificate. It so happened that the day of the bar-b-q brought a stiff crosswind. The low-time pilot failed to keep the crosswind in check, panicked, and wrecked his pretty little vintage aircraft. Fortunately, he and his passenger walked away with only minor injuries, but other's personal property was damaged, as well as giving the TV and newspapers a real field day at the expense of the airport. Of course, the FAA considers only the PIC, but tell me: who is the REAL scoundrel?

The reason I tell this story is to remind everyone that we should take responsibility in how we deal with others. Make sure that you don't suggest something

to someone that is beyond their skill level or ability.

Finally: the Recipe Box  
I have had many requests for my Banana Bread Recipe, so here it is:

- 2 cups whole wheat flour
- 1/2 cup sugar
- 1 tsp. soda                    1/2 tsp salt
- 1/4 cup milk                    1/2 cup oil
- 1/2 cup honey                    2 eggs
- 3 RIPE bananas (black & GUSHY)
- 3/4 cup chopped pecans
- Oven 300 degrees.

The bananas are best when you can pull the stem off and squeeze it out like toothpaste. I usually buy bananas during the year and freeze 3 to a ziplock bag. Put the dry ingredients together into the mixing bowl & start the mixer going. Measure the wet ingredients into a large measuring cup or bowl, and beat with a fork. If you warm the honey (Micro-Zap) and add it last while beating, it won't stick to the bottom. Finally add the wet to the dry, and add the bananas. The fully mixed batter will be fairly soupy. Mix in the pecans, pour into a regular loaf pan and bake until a sticker (toothpick, shish-kabob, icepick) can be inserted and removed clean, about 1 to 1-1/2 hours. I prepare the pan by spraying it with a light coat of PAM, putting a tsp of flour into the pan, and dance a jig until the sides of the pan are dusted. I also almost always do a double recipe. If you leave out the soda, they turn out bricks.

-- Paul McKinley  
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The United flight was 20 NM our at 20,000 ft. PAPPi intersection was 10 miles from the airport.

- Approach: United 232, cross PAPPi at 10,000 ft
- 232: Uh that's a tough one.
- Approach: You have spoilers on that thing, don't you?
- 232: Roger, but those are for my mistakes. not yours.

Anon.

# Zero Tolerance

## New FAA enforcement policies demand pilot perfection.

By J. Scott Hamilton

**T**HE FEDERAL AVIATION Regulations (FARs) always have been the law and not mere guidelines, much as the Ten Commandments are not the Ten Suggestions (although in the case of the FARs, it's more like the Ten Thousand Commandments).

What is changing is the new resolve of the Federal Aviation Administration to enforce this body of law more thoroughly and more relentlessly than ever before. The agency is *suspending* and *revoking* pilots' certificates with far greater regularity than at any time in the previous 62-year history of federal air safety regulation and enforcement. There is every indication that, from the pilots' viewpoint, this trend *will continue* to worsen and is unlikely ever to be reversed.

In the past, many violations went undetected, like speeders on the freeway. Violations that were detected often were solved in the field by discussions between the errant pilot and an air traffic controller or FAA inspector. All of that is changing, mainly in two ways:

- The increasing use of electronic technology to detect violations automatically.
- New orders from FAA Washington headquarters taking away the discretion FAA employees in the field traditionally had to solve problems themselves.

Why do you think the FAA wants more mandatory use of transponders with mode C altitude-encoding capability? It isn't just to help the controllers help us avoid us running into each other. The FAA has found that it can use mode C effectively as a law-enforcement tool to catch FAR violators automatically.

The FAA's enforcers have been very pleased with the success of the snitch program (officially, it's the Quality Assurance Program) in which ATC computers automatically report and commence enforcement actions against pilots deviating from an ATC-assigned altitude, or intruding without authorization into the area of positive control, terminal control areas, airport radar service areas or restricted or prohibited airspace. For such computer-detectable violations, the air traffic controller has been completely bypassed. The inspectors and lawyers don't have to wait for a controller to report the pilot's error, and the controller has no opportunity to prevent it from leading to a violation being filed against the pilot.

It is probably not a coincidence that the latest FAA notice of proposed rule-making expanding the requirements for mode C (NPRM 88-2) came soon after an FAA law-

yer with many years in enforcement work became chief of the FAA Airspace and Procedures Branch in Washington, D.C.

We're seeing increasing use of the FAA's electronic data storage and processing in other enforcement contexts, as well. One is the so-called Match Program, an experimental program in a few selected states in which the FAA's computer compared pilots' reports of their histories of traffic and other convictions on their aviation medical applications with records of those convictions stored in other government computers. Making a false statement on such reports is both an FAR violation (punishable by revocation not only of your aviation medical certificate but all pilot certificates and ratings), and also a federal felony (punishable by up to five years in Leavenworth or a \$10,000 fine).

The limited experimental program reportedly has found more than 1000 such false reports by pilots, which are now being referred for prosecution. It is likely that with such success, this program will be expanded nationwide and made a permanent fixture of a wide-ranging FAA enforcement program.

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*The FAA has found that it can use mode C effectively as a law-enforcement tool to catch FAR violators automatically.*

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And then there are those of you who supplement your actual flight time with Parkerpen time, and others who have fallen into habits of imprecision in keeping your pilot logbook accurately. When you go in to apply for an airline transport pilot certificate, the FAA inspector will photocopy portions of your logbooks, then select the N-numbers of some of the aircraft in which you've logged flight time and pull the identification of the registered owner from the FAA's Aircraft Registry records. He will contact the registered owner to confirm your claim of having flown that aircraft on that date. You would be surprised how many times they find that the aircraft was destroyed in an accident the month before

your entry, was in the shop for its annual inspection that week or the owner claims never to have heard of you and never to have allowed anyone else to fly the aircraft. Good-bye, aviation career; hello, federal penitentiary!

It used to be that the people in the FAA enforced the law, and that these people had broad discretion to use their own judgment in deciding how to deal with pilots' mistakes.

Let's start with ATC. In the past, probably 90% of the time when a controller saw you do something wrong that didn't cause an accident or near midair collision, attract the news media or put the controller's own career in jeopardy, the controller would point out your mistake on the frequency or discuss it with you later on the telephone or in the tower. If the controller was satisfied that you had learned from your mistake and didn't have a bad attitude, nothing more would come of it. Those days are gone, forever. That is so partly because, as we have seen, the ATC computer automatically starts an enforcement case, untouched by human hands or thought in many cases, and partly because the controllers now are receiving new orders from headquarters.

After the midair collision between the general aviation Piper Archer and the Aero Mexico 727 over Cerritos, California, FAA lawyers began visiting ATC facilities and telling the controllers something like this:

"We don't want to hear any more excuses about your workload, and we don't care if you didn't join the FAA to be cops, you have no more discretion. If you observe a pilot violation, you are to report it to FAA inspectors every time, without fail, no exceptions. If you see an unauthorized intrusion into a TCA, ARSA, APC, restricted or prohibited area, you are to use all of the radar tracking and other technological capabilities and personnel available within the ATC and FAA and other law-enforcement agencies to track down the violator to wherever he may land and to assure that he is apprehended upon landing.

"We have revoked your discretion to do otherwise!"

The FAA inspectors in the field also used to solve a lot of problems by giving the offender a good talking to or a warning letter. No more. That discretion also has been revoked. Inspectors are now under orders from headquarters to investigate and forward all reports of violations to FAA lawyers for action. No more cases are to be settled informally on the local level. And they're hiring about 600 new inspectors, all



Illustration Bob Stevens

of whom are being assigned to enforcement duties.

The FAA lawyers in the regional offices also used to have a lot of discretion to use their own judgment to settle those cases that reached them with penalties they deemed reasonable, under the circumstances. In that happy past, I would estimate that perhaps as high as 80% of the cases that reached the lawyers were settled by some compromise agreed to by the pilot. Much of that discretion also has been revoked now. FAA Washington headquarters recently published new enforcement sanction guidelines to achieve nationwide uniformity in penalties. The FAA attorney who believes that the facts of your case merit deviating from these standard penalties has to justify that decision in writing, and it had better be good. For significant cases (particularly air-carrier cases), the FAA attorney in a region can't agree to settle a case by reducing the penalty without getting the prior approval of the FAA Washington lawyer who serves as chief of Enforcement Policy. That lawyer (a nonpilot) is not known for his generosity in assenting to reduced penalties. And, of course, the FAA is having to hire more lawyers to handle the increased workload generated by the 600 new inspectors and the removal of problem-solving authority from the thousands of inspectors already out there.

If the FAA issues an order suspending or revoking your pilot certificate, you do have the right to appeal that order to the National Transportation Safety Board (NTSB) and get a trial-type hearing in front of an NTSB

administrative law judge. In the past, these judges (some of whom are highly experienced pilots themselves) could use their own discretion to reduce sharply the sanction imposed by the FAA, once they heard all of the facts and circumstances of the case and made their own evaluation, based upon having seen you and heard you testify, of whether you were a person who had learned your lesson.

The NTSB (which suffers from an appalling shortage of pilots) drastically has reduced that discretion of the Board's administrative law judges in recent times, however.

The cumulative result of all that is that the federal government has become absolutely intolerant of even the slightest human error by pilots: zero tolerance. Any display of imperfection on a pilot's part triggers a monolithic response from the FAA. Their solution to all pilot mistakes is to suspend or revoke the pilot's certificate. It's a narrow-minded, authoritarian approach that threatens to undermine flight safety over the long run because the mistrust and defensiveness it engenders is chilling the open and truthful communications between the pilots and ATC, companies and their regulators, which is the very foundation upon which the truly remarkable degree of aviation safety that we have achieved in this country depends. Given the existing degree of public hysteria over flight safety issues, however, it is unlikely that Congress will tell FAA to desist. No member of Congress would dare be seen as being soft on air safety, especially in an election year.

What can you do to protect your valued pilot's certificate in these times of harsh scrutiny?

Well, of course, there are fundamentals like self-restraint the next time you feel a buzz job coming on and respecting airspace rules even when they inconvenience you. But by far the vast majority of FAR violations are inadvertent mistakes made by pilots who are really trying to fly properly. Airspace violations are a particularly hot enforcement topic. Even if you have flown the route a million times and feel that you know it, electing to take a few minutes on the ground thoughtfully reviewing a current chart before taking off may save you from having to spend months on the ground under suspension for breaking into a TCA that wasn't there yesterday. And if you plan to go VFR, even if you plan to navigate by the airways system, be sure you have a current set of VFR charts for the route on board, in addition to your IFR charts.

Proceed with an attentive professionalism. Listen carefully to what ATC is really telling you (and not just hearing what you expected to hear); keep track of and project the aircraft's whereabouts; monitor its systems (including fuel); and scan for other traffic whenever you are not immersed in cloud.

Despite your best efforts, you may make a mistake. Or the FAA may think you made a mistake, which amounts to the same thing. Although you eventually will get a hearing before an NTSB administrative law judge, the first contact you have with the FAA after the incident may prove to be the most crucial moment in the entire process. And you may not realize that you are under investigation in an enforcement action when that contact comes.

If you are on the ground when the FAA approaches you, your decision on how to handle it is a lot easier. You may be invited, either by letter or telephone call from or personal encounter with an FAA inspector, to visit the control tower or to telephone the Air Route Traffic Control Center. At this point, if you were a citizen under suspicion of having committed a crime, the government official who contacted you would have to read you your rights before interrogating you. But since most FAA enforcement cases are administrative, rather than criminal, violations, the FAA doesn't have to advise you of your rights. Indeed, some inspectors are so crafty in their approach that you may not even realize the conversation is a federal investigation and not just a friendly chat between aviators.

# ENFORCEMENT

continued

How can you tell when you're a citizen under suspicion of having violated the FARs? The best clue is that the FAA person wants to discuss history, something in the past tense: "Was that your Bellanca I saw heading south down the beach on Sunday afternoon?" There is always the possibility that the FAA inspector may be writing the definitive history of aviation in America and may only be trying to be sure he has his facts straight for the chapter devoted to your role in that history. But it is far more likely that he wants to talk to you about history

because he has received some information that suggests that you may have violated an FAR. The inspector is required to investigate that information, and he hopes you're going to make his job easier by confessing.

Whenever someone from the FAA wants to talk to you about the past, about anything that has already happened, no matter how long ago, a bright red annunciator light should start flashing in your mind and an aural warning should sound: "Shut up!"

Just because the FAA doesn't have to advise you of your rights doesn't mean you don't need to know what your rights are, so I will tell you:

You have the right to remain silent.

Anything you say will be used against you

in an enforcement case, to suspend or revoke your pilot's certificate.

You have the right to have your attorney present during any questioning. (Unfortunately, you do not have the right to require the FAA to appoint an attorney to represent you, if you can't afford one.)

Remember: There is no longer any chance that you are going to be able to talk your way out of this because the FAA representative no longer has the discretion to let the matter drop. His motive in asking you questions is not educational, to understand what went wrong and thus assure that you will not make the same mistake again. His sole motive in questioning you is to gain evidence to be used later, at the NTSB hearing, to prove that you were guilty, so the FAA can take away your pilot certificate. Any other expectation is wishful thinking.

Often, they cannot prove their case without some confession from you. For example: in a general aviation VFR case, when the aircraft was not on a flight plan, it may be impossible for the FAA to prove who was the pilot in command of the aircraft without your admission. Tell the FAA: "Well, yes, that was me, but . . ." and you can feel your pilot certificate slipping away. If you value your license, you must firmly but respectfully decline to discuss anything (and I do mean anything) with the FAA inspector before consulting your lawyer. It may annoy the inspector if you take that stance, but would you rather have an angry inspector who can't take away your pilot certificate without your confession or a happy one who can (and will), since you gave your confession? I would take my chances with the

angry one until I get my lawyer's advice.

What if the inspector asks to see your pilot certificate, medical certificate and pilot logbook? The FARs require that you display these to FAA inspectors or other law-enforcement personnel, on request. Display, but not discuss. You don't have to answer questions about these documents, and it would be imprudent to do so without first consulting your attorney. Display, but do not surrender these documents. You don't have to let an FAA inspector take your papers with him, and if you let them, the NTSB may deem that a waiver of your appeal rights. If he wants to make copies, take the stuff down to the FAA office yourself (visiting your own lawyer on the way) and leave with the originals; don't let FAA take them and don't entrust them to the U.S. Postal Service.

If the first contact is to visit the tower or telephone the Center, you can be sure it isn't because they want to show off their new radar set or praise the awesome perfection of your approach; it's because you are a citizen under suspicion of an FAR violation, and they are working on building a case against you and hope you will help them do it. Don't refuse to come up to the tower or make the phone call. If you refuse, they will send someone down to intercept you and identify you. Give them a hearty "roger," then split! Don't actually show up at the

tower, return the phone call or hang around to sign a gas slip that will later show up as Exhibit A.

When your flying machine has left the aircraft movement area and is no longer in motion, you are no longer "air traffic" and thus no longer required to obey air traffic control. Disappear.

The tougher decision comes when you are in flight and the conversation with ATC takes a turn that suggests that you've become a citizen under suspicion. Let's say, you are climbing to an assigned altitude through moderate to severe turbulence, flying with one hand while passing out the sick sacks with the other when Center says: "Say altitude." A quick glance at the altimeter shows that while distracted by your passengers' distress, you've already flown through your assigned altitude and an updraft has the VSI pegged. You probably will consider killing the mode C and lying to the controller about where you really are, claiming to be level at your assigned altitude, to save your certificate.

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*"If you observe a pilot violation, you are to report it to FAA inspectors every time, without fail, no exceptions."*

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Your con would succeed, because the controllers are told that when a pilot report differs from the mode-C report, the controller is to believe the pilot and disregard mode C. Therefore, the controller might not issue a deviating vector to that DC-10 that is coming at you head-on at .85 Mach at your real altitude. And the consequences of that could be a whole lot worse than anything the FAA could dream up to do with your certificate.

Because it is always better to be alive but grounded than dead with your certificate in your pocket, the only sane rule of thumb appears to be: always tell ATC the whole truth whenever the aircraft is in motion, regardless of the possible consequences in a later enforcement case. (But once you have the aircraft stopped at the blocks, you are no longer air traffic, and they are on their own.)

We don't mean that you should never talk to the FAA. If you have a question of interpretation of the FARs, it is prudent to talk to an FAA inspector beforehand, to help prevent a misunderstanding that could cause you to commit an unintended violation.

It is only when focus of a conversation turns to events that have already happened that wisdom dictates that you participate no

further in the conversation without first consulting your attorney.

And there's something else you can do to help protect your certificate that doesn't even require the help of your lawyer. Whenever you get that uneasy feeling that maybe, just maybe, somebody thinks you did something wrong or whenever you see an ATC practice that strikes you as unsafe, file a report with the National Aeronautics and Space Administration (NASA) Aviation and Safety Reporting System.

This program is well known to airline pilots, who are very aware of the heightened level of FAA enforcement scrutiny and who depend on their certificates to earn their livelihood. Some air carrier pilots joke

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*The effect of showing  
FAA your NASA form  
is much like making the  
sign of the cross  
to a vampire.*

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about filing a NASA report with every flight plan. While that is something of an exaggeration, the system really does provide a rare opportunity for pilots not only to protect their own certificates, but also to make a positive contribution to flight safety.

This is how it works:

1. Get a few of the forms (NASA ARC 277, Aviation Safety Reporting System Form, available free from any FAA office or by writing to: NASA Aviation Safety Reporting System, P.O. Box 189, Moffett Field, CA 94035). Keep them in your flight bag.

2. Whenever you think someone suspects you have made a flying error or whenever you see an ATC procedure that you believe should be improved upon, fill out the form and file it immediately, being certain that it is postmarked within no more than 10 days after the incident.

3. Wait for NASA to return the identification strip portion of the form, which is your receipt and proof that you did file a report.

4. Put the identification strip in a safe place where it will not be lost or discarded and where you can find it in a hurry when you need it. Treat it as one of your most precious possessions, which it is.

The NASA Aviation Safety Reporting System is a confidential program. The FAA cannot find out about a violation through your filing a NASA report. If the FAA finds out about your alleged violation from another source and starts an action to suspend or revoke your pilot certificate, it's time to show them your receipt. The effect of this is much like making the sign of the cross to a vampire. Although they may go

ahead and issue an order to make your violation a matter of record, they will waive actually making you serve a period of suspension. It's a lot of license protection in exchange for a few minutes of your time to fill out the form, and the feds even pay the postage! There's no downside risk to you in filing the report, and you can still appeal the finding of the violation to the NTSB if you think you can prove the FAA is wrong.

Filing a NASA report does not protect you from having to pay for committing a crime or from the consequences of an intentional violation (it isn't a coupon good for one free buzz job). But by far the vast majority of FAR violations are inadvertent mis-

takes committed by pilots who were doing the best they could to fly right. In those cases, getting the report in the mail can keep your simple mistake from grounding you for months.

On top of that, your report may help us all, because where there are lessons to be learned from pilots' reports, NASA uses the feedback to help improve flight safety.

This program is a great safety tool, and I can commend it to you highly. It's the best deal we have going for us in the whole enforcing enforcement picture today.

Take advantage of it; it may be the only thing that keeps you and your pilot certificate together.

# TAXES, LIABILITY TOP POLITICAL AGENDA

EDITED BY ERIC WEINER *FLYING* 2/89

NOW THAT GEORGE BUSH HAS LANDED in the White House, the Washington crowd is bracing for the inevitable shifting of the political winds. In which direction and with how much force those winds will kick up, nobody knows. While no drastic changes are expected from the new Administration when it comes to aviation issues, Bush, a former U.S. Navy pilot, is expected to take a more hands-on approach, instead of what one observer calls "Ronald Reagan's benign neglect."

The 101st Congress will look a lot like the 100th Congress: more than 90 percent of the incumbents were re-elected. Sen. Wendell Ford (Democrat, Kentucky) and Rep. Norman Mineta (Democrat, California), who is known on Capitol Hill as "Mr. Aviation," are expected to retain their respective chairmanships of the Senate and House aviation subcommittees, and Washington watchers think that bodes well for general aviation.

After interviewing lobbyists, members of Congress and other sources, *Flying* brings you this overview of the key political issues of 1989.

**Product-liability legislation:** Once again the general aviation lobby will push for legislation aimed at reducing product-liability costs and reviving dormant production lines. Some observers say that chances of success are better this year because of a "better-educated Congress" and the retirement of Rep. Peter Rodino (Democrat, New Jersey), former chairman of the House Judiciary Committee and a staunch opponent of a general aviation product-liability bill. But the American Trial Lawyers Association still poses an obstacle.

**Aviation Trust Fund:** Nearly \$10 billion has accumulated in the user-financed Aviation Trust Fund, but the Reagan Administration had been reluctant to spend the money because it allegedly helps offset the budget deficit. President Bush, in a pre-election statement, hinted that he may be willing to take the Trust Fund "off budget" and spend the money for its intended purpose. "I am committed to fulfilling the essential commitment of our Aviation Trust Fund—that the monies collected from user fees be spent," Bush said.

Last year legislation was passed that would slash fuel and airline-ticket taxes if Trust Fund money isn't spent. If activated, the so-called "trigger-tax bill" would cut the eight-percent airline-ticket tax in half and eliminate the 12-cent per gallon fuel tax. Despite the potential short-term savings to pilots and passengers, most observers would rather see the Trust Fund spent on improving air-

ports and the ATC system. "I don't want to see [the trigger tax] go into effect," said Representative Mineta in a recent interview. "In the long run it would be disastrous."

**Airport Access:** Look for this to continue to be a hot topic in 1989. The battles, however, will be fought mainly in the courts, not Congress.

Despite last December's ruling by the DOT, lawsuits against the Massachusetts Port Authority's PACE plan, which raised landing fees for general aviation aircraft at Boston's Logan Airport, may drag on through the year. Says Jonathan Howe, president of the National Business Aircraft Association, "It's unlikely that the saga is over."

**FAA enforcement:** The FAA's get-tough policy is expected to continue, with more indictments of pilots who fail to report drug- and alcohol-related convictions and strict penalties for those who bust TCAs and ARSAs. "The new Administrator will probably want to hit the ground running," says Kevin Dorn, director of legislative affairs for the General Aviation Manufacturers Association.

Taxes: Despite widespread lipreading, not everyone in Washington is convinced that President Bush will be able to reduce the deficit *and* keep his pledge of "no new taxes." One possible "revenue enhancer" is a 10-percent "luxury" sales tax, which would affect such items as yachts, china, crystal and noncommercial airplanes. The tax was suggested in 1987 by the Joint Committee on Taxation.

Under the Gramm-Rudman-Hollings balanced-budget act, the federal deficit must be reduced by \$100 billion to \$150 billion by the end of this fiscal year, or across-the-board spending cuts will take effect. Some government programs, such as Social Security, are exempt, but aviation is fair game.

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