

Ms. JOHNSON. Yes, but it seems to me that if this person was responsible for allowing the condition to go on without taking a positive step to do anything about it, and that was his responsibility, in any other job there would be some kind of disciplinary action. If it was somebody in my office, they would be fired. So that is my point. I don't understand why he is okay and the airline is being fined.

Mr. SABATINI. Well, the results of the investigation may support that he is other than okay.

Mr. SCOVEL. Ms. Johnson, if I may?

Ms. JOHNSON. Yes.

Mr. SCOVEL. Let me shed a little bit of light. Mr. Sabatini has referred to the OIG's report, which will help FAA make up its mind in this particular case regarding the PMI. Three weeks ago FAA contacted my office and indicated that they were contemplating a personnel action against the PMI, which consisted of a reduction of two pay grades and a reassignment. I spoke with Mr. Sabatini on the telephone and advised him, of course, that whatever personnel actions would ultimately be taken were within FAA's purview. They are not the IG's. We are not judge, jury, and executioner.

Ms. JOHNSON. Sure.

Mr. SCOVEL. But before the Agency took an action that some might view as premature and overly lenient, that it would certainly be helpful to the Agency to have all the facts.

It is my understanding, based on that, that FAA has, indeed, held up. At that time we were working on information concerning the PMI's approval of voluntary self-disclosure submitted by Southwest in other instances than the one we are talking about here today. That would certainly be information perhaps that the Agency would want to consider in this case where dereliction of duty would be the primary charge.

Another concern that I expressed to Mr. Sabatini at the time was that the PMI be taken completely out of the safety decision-making loop. As Mr. Sabatini has reported today, that certainly has happened. We want to commend the Agency for that.

This week we have had further contact with FAA, and my staff has informed FAA that, of course, at any time if they believe they have sufficient evidence to fire him they can do that. Of course, what they want to do was make it stick. I thank them for their confidence in the IG's report. If they believe that that is what will be necessary in order to make the personnel action stick, then we will get it done as soon as we can and turn it over to them so they can take their action.

Ms. JOHNSON. Thank you very much.

Thank you, Mr. Chairman.

Mr. OBERSTAR. I would observe that, while the question the gentlewoman from Texas, our Chair of the Water Resource Subcommittee, may have sounded harsh, it comes from a woman who in the private sector owned and managed six businesses. I think she brings a very different judgment and perspective to bear.

I wanted to return just a moment, Mr. Sabatini, to Mr. Gawadzinski. Can you state unequivocally that Mr. Gawadzinski is not in a position to undertake inspections, to do oversight of carrier maintenance; that he is not engaged in any such action?

Mr. SABATINI. I have been assured that that is the case, sir. I would ask Jim and Tom to confirm that for me.

Mr. BALLOUGH. Mr. Chairman, it is certainly my understanding, being the Director of the Flight Standards Service, that he is not doing inspector duties at this time.

Mr. OBERSTAR. I have information to the contrary, and I think you had better take a closer look.

Mr. Cummings, the Chair of the Coast Guard Subcommittee?

Mr. CUMMINGS. Thank you very much, Mr. Chairman.

Mr. Sabatini, I am sitting here and I have been listening to you and I have been watching you. I have got to say, when Ms. Johnson asked the question about the firing of this particular person, your reaction seemed like, just watching you, how can we do that, this person has rights.

Let me tell you something: the flying public has rights, too. The flying public has rights, and you have used some wonderful words here. You know, they have been very nice. You want to operate under a culture of safety. We want to do everything in our power to make sure that we have the highest level of safety day in and day out, but, you know, let me tell you what, I guess as a lawyer and one who has tried a lot of cases: something doesn't smell right here. I am just telling you, it sounds like we are trying to boil down this thing to maybe one person. I know the investigation continues, but it seems like there are some other people that are probably responsible. I don't know how high up it goes, but I will tell you one thing: if I were in charge of a department and I had a situation where these flights went out and the flying public had established a trust—there is a book written by Covey that is entitled, *The Speed of Trust*. The public, when we get on this airplanes, all those people out here, I bet you every one of them have flown on an airplane within the last month. But when we get on an airplane, but when we get on an airplane we trust that the people that we pay with our tax dollars are doing what they say they are going to do.

We don't expect, for example, a doctor, if he is going to operate on our heart, to party all night and then at 5:00 come home and then do the operation at 6:00. There is a certain level of trust.

I am just trying to figure out, does the buck stop with you? Do you take responsibility for this, since you are the top safety guy?

Mr. SABATINI. Absolutely, Mr. Cummings. I take complete responsibility for this, and I am going to take action to address what we learned here.

Mr. CUMMINGS. Now, you said today that you have learned some things just today that you didn't know; is that right?

Mr. SABATINI. Yes.

Mr. CUMMINGS. You have said that several times. What is the most significant thing that you learned today that you did not know before today?

Mr. SABATINI. If I may, I would like to put it in context.

Mr. CUMMINGS. That is fine, but, you know, the Chairman just said something. Apparently you didn't know that. He said that he had some information that somebody, this particular person, is still doing certain types of duties. You and Mr. Stuckey—is the immediate supervisor the person that Mr. Oberstar was talking about? You are in charge of that region, right?