

took their eye off the ball. At one time in 2000, 2001, very serious about it, brought together all the stakeholders, and then when the numbers started going down the FAA went and directed their attention to other things.

The same thing with the hazardous conditions in the powers and facilities. Nothing was done until the Subcommittee took action. Even though employees were reporting mold and other hazardous conditions in these facilities to the FAA, there was no action taken until the Subcommittee scheduled a hearing, and then we started getting calls that said hey, finally the FAA is reacting, and it is because you are holding a hearing on this matter.

The list goes on and on with congestion and delays. I went through the whole list earlier.

So my concern, frankly, Mr. Sabatini, is that 99 percent compliance, what are people concerned about. We are concerned about the one that is not in compliance, and we have a responsibility and you have a responsibility to make certain that we get as close to 100 percent compliance as we can.

The FAA here—and you have acknowledged it—has failed, and we hope that you will produce a plan that will prevent from this ever happening again.

With that, Mr. Chairman, I yield back.

Mr. OBERSTAR. Thank you.

Mr. Sabatini, do you wish to respond?

Mr. SABATINI. I want to assure everyone here that the only reason why I mentioned 99 percent is to just demonstrate what we found in both cases. But I can tell you this: what I am paranoid about is the 1 percent, and we do not rest on our laurels. We strive every day to look at what is that remaining risk, and that is the challenge of the future.

We no longer see common cause accidents. That is because of the hard work that has been done over the years by many, many safety professionals in FAA and in the industry across the board. The challenge is: what are those risks out there and how do we learn about those risks? That is what we work hard every day to understand, and that is why it is so critically important to have a professional working relationship with industry so that together we can identify and resolve the remaining risk.

Mr. OBERSTAR. Mr. DeFazio?

Mr. DEFAZIO. Thank you, Mr. Chairman.

Mr. Sabatini, I would like to know, you mentioned this process is for citizens, the customer service initiative. What are the aggregate numbers? Who has used the system and who are they? Do you have those numbers, like how many are airlines, operators, how many are repair stations, how many are individual airmen? Do you have those numbers?

Mr. SABATINI. I can get you those numbers.

Mr. DEFAZIO. But has this process been used a lot? Have a lot of resources been devoted to resolving problems through this customer service initiative?

Mr. SABATINI. I would say it certainly requires resources, but it is not a drain on the system.

Mr. DEFAZIO. Okay. Well, I would like to see the numbers of who has accessed it, what the categories were, etc. I am sure the Committee would be interested.

And then how about when you heard from Mr. Mills, Mr. Sabatini? Was that an Agency-wide directive that everybody should drop everything they are doing? They haven't been out to that particular repair station for the last eight years, but they should go out to that repair station, not in an inspector capability, but to hand-deliver the packet of the customer service initiative that could have been mailed or e-mailed to those people? Are you aware how widespread that practice was that we diverted resources to hand-delivery of these packets? Was that a unique thing?

Mr. SABATINI. I was surprised to hear Mr. Mills say that he had to or had been instructed to hand deliver that. That certainly is not in the guidance.

Mr. DEFAZIO. Okay, Mr. Ballough, are you aware of how prevalent this practice was?

Mr. BALLOUGH. Mr. DeFazio, from what I know, it was supposed to have been delivered through routine carrier visits and repair station visits.

Mr. DEFAZIO. But that would have meant that people wouldn't see it for seven years, because a lot of times we only get around to these repair stations once in a great while.

Mr. BALLOUGH. At least once a year, sir.

Mr. DEFAZIO. Well—

Mr. BALLOUGH. I was surprised.

Mr. DEFAZIO. How about you, Mr. Stuckey, since you are in that region? Was this widespread in your region that people were diverted to hand-delivering these packets?

Mr. STUCKEY. Mr. DeFazio, as I recall, initially—and it has been a few years ago—we had, like, three years to get out to your major operators, your air carriers, your major repair facilities, your taxi operators, and that is something that an office manager would normally do. Mr. Mills at the Southwest CMO had one operator. At the Dallas FSDO we probably had maybe 100 operators of that category.

Mr. DEFAZIO. Right.

Mr. STUCKEY. So it depends on the particular office, but it is important to get out and visit those operators.

Mr. DEFAZIO. Right, but he was not sent to visit. He wasn't sent to do oversight. He wasn't sent to do safety inspections to places he might not have been for quite some time; he was sent to hand deliver something that you could have sent out in e-mail, you could have faxed. I mean, you certainly had to know how to contact these people. You could have mailed it to them. I mean, this was widespread then? A lot of people were delivered to hand deliver this thing?

Mr. STUCKEY. I wouldn't say it was widespread. Again, I think it was—

Mr. DEFAZIO. So you are not disturbed that one individual spent three months hand delivering this?

Mr. STUCKEY. That would not have been my expectation.

Mr. DEFAZIO. Okay. I find it very disturbing.

Now, you have talked about Mr. Gawadzinski and his current duties. You are telling us he is in an office somewhere and all he is doing is reviewing manuals. Do those manuals have a purpose? I mean, do they somehow dictate Agency actions that relate to the real world, like safety?

Mr. STUCKEY. We have a national flight standards evaluation officer in headquarters, an SF-40, that reports to Jim. They get around and do technical reviews, I think every three years, and the office that Doug is assigned to now is going to get one later this summer, so his duties would involve making sure we have all the office files in order, do we have all the documents that we should have in an airline—

Mr. DEFAZIO. So he is not editing? I mean, he is just like a clerk level? At \$100,000 a year he is just making sure the files are complete?

Mr. STUCKEY. More or less, and I have been—

Mr. DEFAZIO. That is an expensive clerk.

Mr. STUCKEY. He has been assigned—

Mr. DEFAZIO. I tell you what I would do with this guy. If you can't fire him, I would do what they have done here in the past. You put his cube in the hall. He doesn't have a phone. He is not allowed to read anything, and he just sits there.

Now let me ask you this: has he done enroutes in the last year?

Mr. STUCKEY. I think he has last year.

Mr. DEFAZIO. Within the last year has he done enroutes?

Mr. STUCKEY. My information is he did three round trips, one to training and I think he had two enroutes to do, I think, job interviews within the FAA.

Mr. DEFAZIO. Mr. Sabatini, does that raise any concern with you?

Mr. SABATINI. Yes, it does, because my expectation is that this person be in the office essentially counting paper clips.

Mr. DEFAZIO. Okay.

Mr. SABATINI. I need to complete my understanding. If he, in fact, conducted enroute inspections after he was moved to this other position. I don't have that information. I intend to get that information.

Mr. DEFAZIO. Thank you. I appreciate that.

Now one last thing, Mr. Chairman. Thank you for the generous grant of time, but I feel so strongly about this issue.

I really think that—and I guess we had testimony in the previous panel—we shouldn't throw out the whole customer service initiative. But when I read through the rather lengthy documents and the way they are worded, I can see where this devolved from customer to client and the whole thing is set up for talking about all the levels of appeal and the flow charts and all those sorts of things.

I just really think, again, this is my supposition, but Nick, did this advisory group of yours really initiate this idea and write this and then you just handed it to the administrator, who then went and gave the Aero Club speech? This wasn't something she initiated or something she wanted to do or something that came from some other political person or political level? This really perked up from the professionals, we want to start talking about our airlines,

its customers, we want to have all these multiple levels of review, we want all these forums and all? That really came from your professionals?

Mr. SABATINI. Sir, what we know about our organization across the board is that we do not behave in a consistent and standardized manner. This was one mechanism put in place.

Mr. DEFAZIO. But it has a particular lilt to it, this whole airlines are now customers and there are all these complaints. There are other ways to deal with service quality, I think, maybe the inspector general or others might address that, I think, than this. I really think it deserves major overhaul.

And then finally, just one thing. I have heard a lot about how great things are and how no one has died, and people have qualified that by saying major or big or whatever, or 135s versus 121s. We have had two deadly crashes in the last four years. One was due to a maintenance issue, which was 21 people at Charlotte. The other I think is still under investigation at Lexington, which has been attributed to pilot error or under-staffing of the air traffic control tower or other issues. I don't think there has been a final disposition on that one yet.

But people have died. That was 49. So yes, the system is doing pretty darned good. Can it do better? Yes. Are we concerned about the number of AD deviations, we find out there were deviations? Yes. And I understand there may yet be some others out there. There are three airlines that have some AD problems. Why aren't they named?

Mr. SABATINI. I would be happy to submit their names.

Mr. DEFAZIO. Well, why don't we just have them right now?

Mr. SABATINI. It is an open investigation, sir.

Mr. DEFAZIO. Thank you.

Mr. OBERSTAR. I don't want to stimulate the gentleman further—

[Laughter.]

Mr. OBERSTAR. This customer initiative sounds very strangely like public-private partnership. The gentleman will desist.

[Laughter.]

Mr. OBERSTAR. Mr. Carney and then Mr. Cummings.

Mr. CARNEY. Thank you, sir.

This is for the whole panel. Well, probably not Mr. Scovel. I was thinking about Mr. Gawadzinski, who is still employed, and Mr. Mills. Mr. Mills was not under investigation for anything, he apparently did nothing wrong. Why was he removed?

Mr. STUCKEY. Mr. Carney, initially, when we got the report of the AD overflight, we also, that same month, had already scheduled two office evaluations. As a result of all three things that were going on in the month of April, it is standard practice to remove someone from their position when you find some serious issues involved. Mr. Mills was initially detailed at his same grade, same pay, to an office in the DFW area until an investigation was completed.

In Mr. Mills' case, it was decided that he was going to be permanently transferred to that same office as an assistant manager, same pay, same grade. Primarily because his supervisor back in 2005 had given him instructions to follow national policy, you have