

some issues here, letters of investigation, letters of correction. There were several issues there pertaining to relationships in the office that were causing disharmony, including what you heard from the first panel this morning. You really had two groups in the office, those that supported Doug and those that supported Mike.

For those reasons, he was administratively transferred to another office. That was made permanent I think in August of last year.

Mr. CARNEY. Given all we have heard today, that sounds a little suspicious, I have to tell you. That doesn't sit well. That doesn't seem quite just, actually, from where I sit, at least.

I have no further questions, Mr. Chair.

Mr. OBERSTAR. Doesn't sit well with me, either.

Mr. Cummings.

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

Mr. Sabatini, one of the most, as far as I am concerned, one of the most significant questions that has been asked today is the one that the Chairman of our Aviation Subcommittee asked you a few moments ago. He talked about, if you will recall, how it seems like certain things have to come to the Congress before certain actions are taken by your agency. That is very, very significant.

Let me put that over here, and then I am going to take you to another place. That is that you, when the Chairman asked you a question about why didn't you at within a certain period of time, you said, I think, and I am not trying to put words in your mouth, that you did not realize, or you all didn't realize the gravity of the situation. Is that right?

Mr. SABATINI. That is correct.

Mr. CUMMINGS. All right. Now, to me, the one thing the flying public wants, as I said a little bit earlier, is they want to be able to trust. They want to know that when they get on that plane, the plane has a pretty good chance of getting to its destination. And I guess what I am concerned about and I am wondering about is, are mechanisms now in place, and Mr. Scovel, you may want to comment on this, too, so that one can appreciate the gravity of the problem?

Because I would think that we could put all the mechanisms in place of communicating a problem. But if there is no one on the other end of the line who can appreciate the significance of the problem, and the problem still takes, in other words, for example, airlines are still flying that aren't supposed to be flying, then it seems like it smacks in the face of what we are about here, and that is trying to make sure we do what you said, that is, have the highest degree of safety that we can and to worry about the 1 percent that you and Mr. Costello talked about.

So I am wondering what is in place now or what will be in place to help you or whoever, your committee or whoever makes these decisions, as to when we act, how we act, to what degree we act, what is in place now that will help you to have a better grasp of how significant a problem is? You can't get too much more significant than this.

Mr. SABATINI. I believe there are a number of things already in place, and I keep coming back to at the Southwest region, that issue was mishandled for two and a half years. And that was not

evidenced at my level. Once the AD non-compliance became apparent, then around the July time frame is when we realized the severity of what we had in terms of the failures that had occurred in the Southwest region.

Now, I am concerned about the 1 percent. I want to assure you of that. And the system is a sound system. But it is not perfect. And we strive to make it better. The recommendations that have been made by the inspector general we take very seriously, all of them. And we will be working with the office of the inspector general to do what is being recommended.

Mr. CUMMINGS. I want to come back to you, but my time is running out, I want to make sure Mr. Scovel has a chance to comment on that. I am hoping that we walk out of this hearing, Mr. Scovel, with the public having a higher degree of trust that may have been at least slightly eroded after reading about the things that they read about. But not only do I want them to have the trust, I want the trust to be deserved. I want it to be reality. Because having the trust is one thing. If it is not deserved, that is another thing.

So I am just wondering, are things happening now, and if they are not happening now, are there things that we can do immediately to make sure we have that? Do you follow me?

Mr. SCOVEL. I think I do, Mr. Cummings. One reassurance then an observation or two, perhaps. We have talked extensively about the problems at Southwest. We have seen threads of a couple of aspects of the Southwest problem at other carriers and CMOs. But it is not nationwide. I hope that the American public and the Congress doesn't take that message away from my testimony, at least, because that is not what I intended to convey.

I think we are in a similar situation where we were last August or September when the Minnesota bridge fell, and I know Chairman Oberstar well remembers that. The natural question is, what about all the other Nation's bridges, and national bridge inspection program. Well, it needs to be looked at. And that is where we are today with Southwest problems. Are they at other carriers? Well, we will have to take a look at that. So that is a reassurance.

An observation, however, of FAA's, some would call it culture, some would call it its organizational model, there is a disconnect between FAA headquarters here in Washington and what happens out in the field. We saw it at Southwest. There was a CMO in turmoil. There was a bitter struggle being waged for the heart and soul of that organization. Aspects of that were communicated to the region and then bounced right back down. Not much if anything was coming up here to headquarters.

There has been a consistent lack of ownership, desire to exercise ownership from the national level over some of these problems that pop up at CMOs and elsewhere. We see it when we have inspectors like Mr. Boutris or the Northwest Airlines inspector who are put in the corner on the basis of an airline's request or complaint. Mr. Boutris called it cherry-picking. It evokes a dismissive attitude on the part of a carrier, and it signals a regulator who has failed to command the respect of the regulated entity. That should cause everyone at FAA problems.

My office has made recommendations dating back to 2002 for FAA to exercise greater ownership over the ATOS system. Those

recommendations have not yet been implemented. We have seen problems with the voluntary disclosure reporting program and the Chairman indicates that he will request my office to look into that. Again, that was a problem that was happening at the CMO, invisible to FAA headquarters. That needs to be fixed.

Mr. CUMMINGS. Thank you.

Mr. OBERSTAR. I thank the Chairman for those inquiries. I must also observe at this time my great appreciate for all but one of our Subcommittee Chairs participating at this late hour in this hearing.

The gentlewoman from Florida, Chair of the Rail Subcommittee, is here, Ms. Brown.

Ms. BROWN OF FLORIDA. Thank you, Mr. Chairman, and I just want you to know, I thank you very much for holding this hearing. Now that everything has been televised, you can watch every aspect of it on television, even if you are not here the whole time. So thank you again for having this hearing.

I guess I will start with Mr. Scovel. Does the FAA place too much emphasis on the electronic surveillance of carriers instead of the on-the-ground review and inspection?

Mr. SCOVEL. Ms. Brown, I don't think FAA has found the right mix yet. If you are referring to the use of ATOS versus inspectors on the ground and on the shop floor, as the Chairman has referred to, ATOS is an imperfect system. That has been made clear today. FAA headquarters needs to exercise greater national program oversight over that. When we have an AD compliance program at Southwest that has been left uninspected since 1999, that is unsatisfactory.

Properly used, ATOS has potential, in order to target inspectors to the areas of greatest need and then to put them on the shop floor and on the airplane, crawling through all the nooks and crannies and doing what they do best. But we are not there yet.

Ms. BROWN OF FLORIDA. How long do you think this breakdown with FAA has been going on, this culture that we have been talking about all day?

Mr. SCOVEL. Well, in this instance, we can date back, well, my predecessors would probably harken back to instances from their day that would highlight the same organizational culture. I am relatively new in the position and I can testify on the basis of my 15 or 16 months in office.

Regarding this problem specifically, I can say that since 2002, when my office submitted its first report on the ATOS system, for instance, that the recommendation that we made to FAA for national program oversight was not implemented effectively.

Ms. BROWN OF FLORIDA. Mr. Sabatini, I recently had the opportunity to go back and look at the FAA vision statement. Under mission, it listed the following one-sentence statement, our vision is to improve the safety and efficiency of aviation while being responsive to our customers and accountable to the public. Do you think it is appropriate to view the airline as an FAA customer?

Mr. SABATINI. Ms. Brown, I can tell you that what we have learned here is that we have drifted away from what was intended when we first used the term customer. Certainly they are the people who are regulated and are subject to enforcement.