

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.

Ms. BROWN OF FLORIDA. Stakeholders, partners, yes. But not customer.

Mr. SABATINI. I would agree with that. We are going to recalibrate that.

Ms. BROWN OF FLORIDA. Can you describe your customer service initiative program?

Mr. SABATINI. It is designed to allow anyone who has come to the FAA, either for a pilot's certificate or an applicant for any one of the authorizations that are issued, once someone demonstrates competence and qualifications. And if during the course of that interaction one believes that the rules were not followed, then there is a process to bring that to the attention of the next level of management. What we require is that when that documentation of that interaction clearly applies the rule, the guidance, whatever that may be, so that there is consistency in the organization. It was designed around the issue of assuring consistency with whoever we might be dealing with. To assure that we treat whoever comes in, whoever we come in contact with, with the respect and the courtesy and the professionalism and timeliness that you would expect of a Federal agency.

Ms. BROWN OF FLORIDA. Would you explain a little bit more about the self-reporting?

Mr. SABATINI. Yes. That is the voluntary self-disclosure. And that is a situation where anyone who finds that they have made a mistake or are in non-compliance, if they are the ones who come forward and tell us about it, then we will consider that in the mitigation of whatever that penalty or action might be. If we are the ones who first find that non-compliance, then there is no self-disclosure. And there are various things that can be done if it is brought to our attention.

The idea is to encourage people to tell us about mistakes, so that we can address those mistakes.

Mr. OBERSTAR. Would the gentlewoman yield?

Ms. BROWN OF FLORIDA. Yes, sir, Mr. Chairman.

Mr. OBERSTAR. The question you raise is a very important one and the answer is interesting. But we discussed it earlier in this hearing. This voluntary disclosure system sets up a race to the answer. If the airline knows that they have done something, they can't voluntarily disclose. If the FAA knows it ahead of time, they can't voluntarily disclose, they, the airline, can't voluntarily disclose.

That sets up a risky environment, especially when you have someone within the FAA who is willing to pass information to the airline, say, you are about to be inspected, you had better get on the stick and self-disclose. That is where this voluntary self-disclosure process has vulnerability. That is the point that needs to be corrected.

Mr. SABATINI. And we are, Mr. Chairman.

Mr. OBERSTAR. You are going to find a way to correct it.

Thank you. The gentlewoman may proceed.

Ms. BROWN OF FLORIDA. I yield back the balance of my time, Mr. Chairman.

Mr. OBERSTAR. Thank you.

Mr. Sabatini, I have had time to reflect a little on the question I asked you earlier: why did you wait until March 13th of 2008 to