

ceptable within FAA regulatory proceeding to fly beyond the airworthiness directive mandatory inspection time.

Mr. KELLEHER. It is certainly not, Mr. Chairman. Everything that you have said is 100 percent right, and I don't disagree with anything you have stated. Your knowledge is really all-encompassing regarding this matter.

When I said a tiny part, I didn't mean to demean the significance of it. That comment was made in the context of 1,100 pages covering 6 ADs and the failure of the engineering order to cover that tiny part of the airplane. What I was saying was, not that it was, not that any airplane part is insignificant. I didn't mean to convey that. But what I meant was, out of the whole airplane, with 1,100 pages and 6 ADs, the engineer missed a small part.

Mr. OBERSTAR. Yes, I understand that. And there is some traffic on the websites of various skeptics saying, oh, there are way too many Airworthiness Directives, they are way too complex, way too many pages for us. Well, if there are, then you'd better find something else to do. Because at 35,000 feet in the air, there is no curb to pull over, look under the hood and find out what is wrong. You have to do it right. That is why there is redundancy built into aviation. You understand it. You have a safety mind set, I appreciate that.

Mr. KELLEHER. Yes, sir. And what I was suggesting, again, that is not an excuse.

Mr. OBERSTAR. Good.

Mr. KELLEHER. That is not an excuse. I was just saying, I can understand how an engineer would miss a tiny part of the airplane in the midst of all this hullabaloo. If you will, if my recollection is correct, Mr. Chairman, yesterday, Administrator Sturgell said himself during his press conference that some of these ADs maybe need to be simplified, so that they are crisper and easier to understand.

Again, that is not an excuse. But it would, making them plainer and simpler and unified would facilitate, I think, understanding them.

Mr. OBERSTAR. I would be very, look with a very skeptical eye on any simplification they would do.

But what is the status of the Southwest employees you announced had been placed on administrative leave? Mr. Kelly?

Mr. KELLY. They are at home. They are on leave, they are being paid pending our investigation.

Mr. OBERSTAR. They are not at work, they are not at a desk?

Mr. KELLY. They are not. And of course, our investigation is weeks old at this point, so we are not complete yet. But yes, they are on leave.

Mr. OBERSTAR. Thank you.

Mr. Petri.

Mr. PETRI. Thank you very much, Mr. Chairman. I thank you, the witnesses, for putting in a long day here at the Capitol. Just trying to shift the focus a little bit to kind of looking forward, because what we want to do is certainly learn from the past and do better in the future, and in that regard, I would really be interested in hearing your discussion of how you build safety into an organization and how you work with the people who have responsi-

bility for oversight, the FAA safety inspectors in this case, to achieve what should be a common goal. I can't imagine anybody is looking to have accidents and all that.

There are different psychologies and some say, you know, you can do the stick and keep beating them and that way, and others say no, you kind of try to build a team. I learned a lot from a fellow named Burt Rutan. I represent the EEA in Oshkosh. And I sat in a lunch with him. He has built cutting-edge airplanes for a generation. I think he has never had a loss of life. And he didn't want one of those planes certified as an airplane because he would have to defend the design. He wanted to keep it as a spaceship, because he said every day, he wanted every person working on that plane to try to think of a way to make it safer. And if they once had a design that they had to defend, they would go in and there would be 50 changes in it and the inspectors would say, how could you possibly say this is a perfect design?

So I just wonder if you could talk about the psychology going forward. My bottom line is that it looks like your biggest mistake is that you are operating under a dysfunctional regional office that seemed to have not got its act completely together. It is not an excuse, but some wanted to be punitive and others seemed to want to work on a collaborative basis and there you are trying to figure out what you are supposed to be doing.

Mr. KELLEHER. Well, I will tell you what. I learned more about the alleged lack of harmony at their CMO this morning than I think Gary and I ever had any idea. So that was kind of a revelation to us. But I will say this, that I have worked personally with the FAA, and I mean, for 15 years on a day to day basis insofar as any alleged infractions were concerned, insofar as FAA policies were concerned.

I must say that from my personal experience over that period of time, I think the FAA did an excellent job, which might be called a tough love job. Because the FAA was not hostile, but indeed, it was firm. I can just give you one little example of what I am talking about. And I am not talking out of the side of my neck when I say this, I am telling you the truth.

I was sitting in my office one day and the FAA inspector comes in and he says, Herb, you have too many foreign objects on the ramp. And I said, no, we don't, Eric, I said, I keep track of foreign object damage to our engines, and I haven't seen any. He said, are you going to be here for a couple more hours? I said, yes, sure. He leaves, and he comes back and he has a big bag full of bolts and nuts that he took off our ramp. I said, I think he is right, let's get some magnetic sweepers to clean the ramp.

In other words, it wasn't a kissy-kissy relationship. But he just said, you are wrong and I am going to show you. And I said, and you are right and I am going to act on it. We have always had, historically had that sort of relationship with the FAA. And I think the FAA has done a tremendous job over its history. I know a lot of carriers abroad that would love to have the FAA as their regulatory body instead of the one that they have. And its record is superb and it is unparalleled.

But of course, I haven't particular cottoned, and I am sure Gary hasn't, either, to anything that was said today by previous wit-

nesses with respect to the dysfunction of our CMO. And of course, several times Members quite properly asked the question, is this more widespread. Well, frankly, we are not in a position to tell you, Gary Kelly or myself. But I think it has to be like one of those relationships with, we are married to each other, in effect. And we need to treat each other with respect. We both need to be proactive with respect to safety issues.

Having a hostile FAA, and I know no one here has suggested that, but having a totally hostile FAA I think would cause carriers to perhaps be less forthcoming about some of the mistakes that they have made and to shy away perhaps from some of the programs that we have put together to keep track of trends and in cooperation with the FAA.

I think there is a balance that needs to be struck. But I think it would be a mistake, I don't know whether Gary disagrees with me, but I don't think he does, to toss out the whole voluntary disclosure program. I do think from what I heard today that maybe it could use some improvements.

Mr. KELLY. Yes, sir, I would just add that first of all, we are accountable for the safety of Southwest Airlines. And certainly we want to cooperate, and we respect what the FAA's role is and they are the regulator. We fully understand that. I would want our employees to disclose problems. If there was such a punitive atmosphere created that people are incited to hide things, that is in no one's best interest, and certainly for the leadership of a company like Southwest Airlines. So a voluntary reporting program, I think, is critically important.

Likewise, we want to share information with the FAA. This particular matter has been under investigation for a year, but we the airline are just now learning about it a year later. So it would be nice, in other words, to know instantly if there are concerns. There is always a matter of trying to reconcile conflict among people. So there has to be a mechanism to do that and we have to embrace that. But in the end, we have to have leadership and accountability to be able to reconcile that conflict.

Southwest Airlines, I think, it is a trendy term today, but Colleen Barrett, our president, had a whistleblower line before it was the thing to do. So you have to have an open door, you have to welcome feedback and information. It is that kind of an atmosphere that creates a culture of safety, quite frankly.

Mr. PETRI. We need some ideas or some reasonable procedures to prevent the self-disclosure program, which seems to be a well-intended, constructive one, from turning into a heads-up program where people, you are being accused of hiring, or inside dealings basically, because employees come and then they have relations with each other and the next thing you know, they are calling their buddies up and saying, we just are about to find out something that is going to, and you are going to be in it, so that is not the spirit of self-disclosure.

Mr. KELLY. It is not.

Mr. PETRI. It is not really in anyone's long-term interest.

Mr. KELLEHER. No, it is not.

Mr. PETRI. So you need to figure out ways, as an industry, as well as we, to make something like this work for the traveling public.

Mr. KELLY. We have found some opportunities here to put better checks and balances in place, to have more frequent audits, that would help mitigate the kind of thing that you are talking about. But in the end, I would still rather hear people disclose what problems are as opposed to have people incented to hide them.

Mr. OBERSTAR. Thank you, Mr. Petri. I appreciate your thoughts and you suggested some very important lines of further consideration.

Chairwoman Brown, the Chair of our Rail Subcommittee.

Ms. BROWN OF FLORIDA. Thank you. Mr. Kelleher and Mr. Kelly, I want to tell you that most Members of Congress, they think they are experts definitely with aviation, because we travel two, four times a week. As I told you, I am from Florida and I use your airline all the time. In fact, in my other life, I used to be a travel agent. So I understand all of the wonderful things, on time, the cost, the safety, the fact that you have carried over a billion people.

But this little incident, as you know, is a black eye on Southwest. I guess I have a couple of questions in that light. One of them is that your Washington representative said that neither you nor the management team had any knowledge of those violations until some of the stories started appearing in the press. Is this unusual? You know this has damaged the airlines. What have you done to make sure that this doesn't happen again?

Mr. KELLY. Well, it is unusual. We have never found ourselves in this situation before, quite honestly. To put this particular matter into context, the reason that the mistake was made in the first place was because Southwest Airlines was making investments and modifications to our aircraft to make them safer. So we were reducing areas that had to be inspected previously by installing new solid metal panels.

This one small area that Herb mentioned earlier was left off. Clearly, this experience has identified a change order control process that we want to improve upon. We don't find many errors, but I think what we have all heard all day is that we want to strive to be perfect. And I can guarantee you that we will strive to be perfect. I cannot guarantee you that we will be perfect. But we are always looking for opportunities to improve.

And it is a black eye. But my commitment to you is that we are going to take this constructively and we are going to better for that. We have implemented already a number of changes within our regulatory compliance function so that we will escalate these issues to the proper management level without question. And we will address the root cause to mitigate the number of errors.

Ms. BROWN OF FLORIDA. Mr. Kelleher, if there was a song coming up that I really liked, like, you have personality and the airline represents kind of your personality, and you have done a great job. But we just finished talking about, and I know you heard it, about this culture as far as customer as opposed to stakeholder and the relationship between you all and FAA. Can you talk about that a little bit? Because basically, it seems as if the relationship is too