

I did have, when my supervisor PAI was out of town or if he was incapacitated, I of course would fill in for him as the PAI on occasion. So during the two and a half years, I had gone to meetings as the PAI with the PMI. And at no time had I ever seen that type of behavior exhibited by Mr. Gawadzinski, at least in my presence.

Ms. JOHNSON. Okay. Thank you. I apologize for having been absent a period of time. But lots of things go on at the same time here. Thank you very much, Mr. Chairman.

Mr. OBERSTAR. Mr. Cummings, Chair of our Coast Guard Subcommittee.

Mr. CUMMINGS. Thank you very much, Mr. Chairman. I want to thank all of you for your testimony.

Let me talk very briefly, Mr. Kelly, you talked about improvements to the voluntary disclosure program. I want to know exactly what you may have had in mind. I want to go back to something that Ranking Member Petri talked about. He was saying sometimes you can have a voluntary disclosure and people abuse it. That is true. In Baltimore, we had a situation where at a hospital they were giving AIDS tests and hepatitis B tests with equipment that did not work. Thousands of them, thousands of AIDS tests, people getting the wrong results. And if it were not for disclosure, we would have never known it.

Part of the problem with the disclosure is that when it was disclosed, management sort of suppressed it and kept it sort of in a little cocoon, and it never got past a certain point. I guess what I am getting at is, I get the impression that you are looking at your voluntary disclosure procedures and trying to make sure they are what you want them to be.

I think we have to be very careful and set a different kind of standard when we are talking about life or death. In other words, I don't worry so much about, I do understand people may abuse the process. But I agree with you that I would rather know than not know. If you are talking about life or death, those pilots sitting back there, if it is going to their lives and all the passengers that they fly around, I want to know.

So I hope that when you reevaluate, you said you were looking at it and whatever, I hope you will keep that in mind. I understand what Mr. Petri is saying, but we are talking about thousands of flights and thousands of people. We are also talking about that thing that I talked about a little bit earlier, that trust that things are in order.

Did you have a comment on that?

Mr. KELLY. Well, yes, sir and hopefully I can clarify. I am a huge proponent of our voluntary disclosure program, because we do want to know, we want to know the truth. If mistakes are made, we want people to feel comfortable that they can report mistakes without some kind of punishment.

The point that I was making earlier is we want to make sure that that is a credible self-reporting process and have enough proper research done, have enough independent checks and balances to look at that to make sure that the proper decision is being made about how to deal with a matter once it becomes known.

I am more concern about that, in other words.

Mr. CUMMINGS. And I guess at the earliest possible point. In other words, making that determination.

Mr. KELLY. Yes, sir, and I think that is part of the complication and trying to discuss these issues in a one size fits all fashion. As Herb was describing earlier, he has colorfully described this, the AD requirements as not being the 10 Commandments. So they are very complex, they are very overlapping. It does require research often to determine if there is in fact an issue.

And Mr. Chairman, for the record, if I could, the rudder is a similar scenario, where there was a possible non-compliance that was discovered like the AD in question that we are talking about for March. Both issues were self-reported. Upon further research, one was ultimately determined to be truly a non-compliance issue. The rudder issue, once we completed our research there, it was found that it in fact was not a non-compliance.

So out of an abundance of caution, we did the self-disclosure there. So sometimes it does take some effort, and we do want to do exactly what you said, which is encourage people, once there is some credible evidence that there is a problem, to bring it up so that it can be researched properly and we can make the right, safe decision.

Mr. CUMMINGS. I am running out of time, I just want to ask you both this other question. I think you both talked about the change order process, you were trying to improve the planes. And come to find out, there is that space that you talked about that you somehow were maybe not aware of that, that it needed inspection also. Is there something that the FAA needs to do to make sure that it is very, very clear that when you make X, Y, Z improvements you still have to deal with certain things? In other words, what we want to do is make sure that we don't, and I know you don't, want to go down this road again. Since you all are doing, trying to make your planes safer, it seems to me we would want to make sure that we are very clear as to what still needs to be inspected. Since I assume that this is an ongoing process, you are constantly trying to make airplanes better, how do you make sure that you have all the information you need to be able to accomplish what I just said?

Mr. KELLEHER. As the Administrator said, as I mentioned earlier, Congressman, this particular set of ADs is six in number, pertaining to the same issue. And furthermore, as a result of the voluntary program that we have undertaken at enormous expense to improve these airplanes, you get into a situation where you get an interaction between the ADs. In other words, if you replace the skins on this part of the airplane, you don't have to inspect these other parts of the airplane.

Well, airplanes are big. They have a lot of skin. And under that circumstance, it is no excuse, but I can understand the engineer missing the fact that you still needed to inspect this part of the airplane, despite the fact that the rest of it was exempt. And those particular ADs, I think, could be streamlined and simplified. I don't mean to imply, nor does Gary Kelly in any way, shape or form, as a way to get out from under them. It is just to make them more understandable, so they are easier to comply with and easier to enforce.

Mr. CUMMINGS. Thank you, Mr. Chairman.

Mr. OBERSTAR. Thank you, Mr. Cummings.

Mr. Carney, the gentleman from Pennsylvania.

Mr. CARNEY. Thank you, Mr. Chairman. I want to thank the panel for their patience. I can imagine you are going to do a lot of standing this evening.

[Laughter.]

Mr. CARNEY. Everybody understands the context in which these hearings are being held, and the state of the airline industry and Southwest is much better than your competitors in many regards. But still it is tough context, fuel prices, tough economy, et cetera. We never want to create the perception here that the airlines are cutting corners on safety in this context. I hope we can put that to rest, and we are all going to have to work very closely in this Committee in particular. We are doing our jobs from the Hill here, and you and all your competitors are also going to have to do that.

Mr. KELLEHER. Could I make a comment that might be helpful, Congressman, in that respect? When deregulation took place, there were a lot of predictions that because of the enhanced competition in the industry, the safety of the industry would be reduced. Because they said, ah, more competition, fewer profits as a result of it, and airlines would start cutting back on their maintenance. They didn't. Their record was better after deregulation than it was prior to that time.

Mr. CARNEY. Mr. Kelleher, I understand.

Mr. KELLEHER. And I think we are in that situation now, where no airline is going to sacrifice, no matter what the economy is like.

Mr. CARNEY. I certainly hope so. But you can understand the perception out there, because I hear that from my colleagues, and frankly, my constituents are a little nervous sometimes.

Mr. KELLEHER. I want to reassure them.

Mr. CARNEY. Of course, although you don't fly anywhere near my district, I am afraid. We can talk about that offline sometime.

For Mr. Kelly and Mr. Kelleher, has your investigation been able to determine whether anyone in your tech ops organization pressured Paul Comeau to keep the airplanes in service after the self-disclosure was filed, or was that his decision alone?

Mr. KELLY. That investigation is still continuing. We have testimony and other words from some employees. We have been able to audit some records, but there is obviously more input that we could gain, so at this point, no, there is no evidence of that.

Mr. CARNEY. Okay. Did you take 70 aircraft offline for the rudder PCU issue? Or did you self-disclose at least 70?

Mr. KELLY. I would love to spend maybe two minutes describing the rudder issue to clarify.

Mr. CARNEY. That is up to Mr. Oberstar. He has been very generous today, so I think he will probably let us.

Mr. KELLY. This is a March 2007 matter.

Mr. OBERSTAR. This is the modification you made at Boeing, that Boeing recommended that you didn't have to do but you did anyway?

Mr. KELLY. On the rudder.

Mr. OBERSTAR. No, on the windows.

Mr. KELLY. No, this is on the rudder, sir.

Mr. OBERSTAR. You're talking about the rudder. All right.