

making has been responsible or probably even in the Flight Standards Guide for more than 60 percent of fatal aircraft accidents. So aircrew decision-making.

Getting back to your point, Bill here drew a good picture. We are in sort of a schizophrenic situation. In 1988, we were operating under two sets of rules, essentially. We have the voluntary disclosure, which came along in I would say 1998 or so, along with ATOS. And prior to that, 1988, we have a compliance and enforcement order, it is 2150.3(a), I believe that is right, 2150.3(a), which is a compliance order. It is an order. It tells us what we do. And we have like a 45-day deadline, once we start on an EIR, to get our facts together to get it up to legal at that point.

After 1998, ASAP 2001 to 2006, as I previously mentioned, I did not do an EIR. We had one of our attorneys come down from the Southwest region, Tim Duff, and he said they are farming him out to the Southern region, because he didn't have any business in the Southwest region.

So anyway, I think to answer that question, 1998, when ATOS took over and we started the voluntary ASAP. But we are still under this, I would submit, this schizophrenic, we have two sets of rules here.

Mr. OBERSTAR. Thank you very much. That is roughly about what I was thinking.

I want to move to Mr. DeFazio and recognize him at this point for questioning.

Mr. DEFAZIO. Thank you, Mr. Chairman.

Thank you, Mr. McNease, for helping fill out the testimony of Mr. Mills. I felt it probably wasn't isolated, and I am going to hope in some way the Committee can pursue that, whether through the IG or someone else. We need to know how many people basically were sent on this mission, which is to hand deliver something which could have been easily and effectively delivered electronically or via the United States Postal Service. But I guess this Administration wouldn't want to do that, because that means you are using Government employees to deliver it.

But something that took them away from their critical safety mission.

Mr. OBERSTAR. Will the gentleman yield?

Mr. DEFAZIO. Yes.

Mr. OBERSTAR. The fact that Mr. Mills and others that Mr. McNease identified a moment ago were directed personally to undertake this mission shows the high level of significance upper FAA management placed on this cozy relationship structure that they were setting up. That goes right to the top.

Mr. DEFAZIO. Yes. How about Mr. Brantley? Have you heard this from others? Could you survey your folks and ask how many were given this mission, maybe since we can't get a straight answer out of the upper echelons of the FAA?

Mr. BRANTLEY. Yes, Mr. DeFazio, we can survey them and see what kind of feedback we get. I can tell you that just in talking with inspectors throughout the Country, my understanding is they were directed across the board to do this, that managers in every office were told.

Mr. DEFAZIO. Well, how could that be if Mr. Sabatini, Mr. Ballough and Mr. Stuckey didn't know a thing about it? I wonder who directed them? I guess maybe someone above them directed them and left them out of the loop?

Mr. BRANTLEY. Their memories may not be as good in this room as they are outside.

Mr. DEFAZIO. Yes.

Mr. OBERSTAR. That is the only salvation they have, because they were testifying under oath. If they have faulty memory under oath, that is one thing. But we have them on record.

Mr. DEFAZIO. Mr. Brantley, I think it was you or someone else from PASS at a hearing in the not too distant past testified about, we were talking about basically the scope of inspectors' jobs and as I remember the particular focus of this hearing was outsourcing and trying to find whether or not it was possible for people to even get to and inspect the people who are theoretically under the purview. I remember some testimony that, working as quickly as they could, it would take some people years before they could get around. Is that accurate?

Mr. BRANTLEY. Yes, that is accurate, sir. Just the process of getting permission, getting it arranged and then being able to get out and do it, the lead time is anywhere from six to eight months if things go well. That is on something out of the Country, yes.

Mr. DEFAZIO. But yet we heard again from Mr. Stuckey in a rather cavalier way, well, they are out there all the time, they are seeing, going around visiting people all the time, and it would be no problem to ask them to just carry this multiple page document with them and distribute it.

Mr. BRANTLEY. I am comfortable saying that is simply not true, sir.

Mr. DEFAZIO. Okay. Well, I hope we can figure out what the consequences would be. Do we still have that little jail over there in the Capitol?

[Laughter.]

Mr. DEFAZIO. I also asked questions of them, the previous panel, the customer service initiative. I think you are well familiar, I talked about the changes I made in the law in 1996. I am trying to nail them, whether after we changed the law in 1996, to say the focus is safety, not promotion, if we started down that path and we were making progress and kind of removing that conflict from people's minds and from their workplace, and if we did start down that path, when did we go wrong? Was it before 2003 or was it particularly in 2003 with this customer service initiative? Can you give us a little, anything on that?

Mr. BRANTLEY. In my recollection, I think your instincts are probably pretty good. Because I think there has always been an undercurrent in the FAA, but I really saw it start to blossom around 2002, 2003. It has been the last five or six years that it has really started moving strongly that way.

Mr. DEFAZIO. That is what I was afraid of. And specifically, ValuJet came at the end of a bad era, and with outsourcing, and we are into even more outsourcing today. I am very alarmed, if we are back to the pre-1996 attitude with more outsourcing than we had in 1995, 1996. Most of the majors have outsourced now.

Mr. BRANTLEY. Yes, sir, I believe we are, if not in a worse state, we are at least back to where we were in 1996, 1997.

Mr. DEFAZIO. Do you think ATOS will protect us? Is that a substitute?

Mr. BRANTLEY. Again, when the data can't be verified, without physically checking that the maintenance is being accomplished and just taking the word of the carrier, I think that is a flawed process, and we will continue to see problems like what occurred with Southwest. Hopefully, they will be compliance issues and not accidents.

Mr. DEFAZIO. I think in the case of Southwest, they didn't try and phony up compliance, they didn't report that they had complied and get bad data in the computer, it was more complicated.

Mr. BRANTLEY. Yes, absolutely.

Mr. DEFAZIO. But there could be, and I think back to the good old days of Frank Lorenzo, imperious management that is basically telling people to phony up data.

Mr. BRANTLEY. Yes, sir. One of the keys that we have seen is, ATOS was set up to try to accomplish oversight with limited resources. But it has evolved over the last decade as not just a way to do that, but a way to further reduce resources, if possible. So one of the things we hear frequently from the FAA is, we are trying to find a way to get the work done without having the people.

And quite frankly, they have gone to a point where there is not enough of the people doing the work that they should to make sure that the data base that they're relying on, that this automated system is a tool rather than the ultimate authority. And right now it is the authority and it doesn't know what it is talking about.

Mr. DEFAZIO. Thank you. Thank you, Mr. Chairman.

Mr. OBERSTAR. Chairwoman Johnson.

Ms. JOHNSON. Thank you, Mr. Chairman.

Mr. Brantley, would you describe your professional responsibilities?

Mr. BRANTLEY. Yes, ma'am. Actually, my professional responsibilities, as it relates to—are you referring to what I would do for the FAA? I come from a different workforce. I come from the systems specialists that repair and maintain the equipment that the FAA uses to control air traffic. So I am not an aviation safety inspector.

Ms. JOHNSON. And you work with a number of other specialists?

Mr. BRANTLEY. Yes, ma'am. Not today, but I have, yes. Today I work full-time for the union.

Ms. JOHNSON. Okay. Has there ever been any discussion of some of the relationships or some of the things that might be missed because of it in your group?

Mr. BRANTLEY. It is a little bit different, because there is not the outside interaction. What we tended to see more in the workforce I came from was managers or even employees going to work for a company right after leaving the FAA and sometimes not in the, let's say under questionable circumstances.

I can recall, there was a director of what was then airway facilities, six or eight years ago, that retired from the FAA, went to work for a company immediately after. And the way he got around, apparently, ethics rules was the last year, six to twelve of his