

months of employment with the FAA, he just recused himself from being involved in any decisions that might be related to that company. That seemed like an ethics problem to me.

So I think there are loopholes that are found throughout the FAA. That is something that I have had a concern with for a while. But it is a very different issue than I think what you are looking at with the inspector workforce.

Ms. JOHNSON. Do you think it is widespread practice that the flight standard managers alter information entered into the FAA data base or anything to protect the airlines?

Mr. BRANTLEY. Ma'am, I think that is not just a bad idea, I think that is, if not criminal, it should be. I just think that if there is a difference of opinion, there should be a way to document that and get it to a place where a decision can be made.

But to give anyone the authority to just unilaterally override what has been found, and this is the findings of an investigation or an inspection, to just override that is I think extremely poor judgment by the agency.

Ms. JOHNSON. Do you think the ATOS is broken?

Mr. BRANTLEY. I need to qualify my answer, because I think there is a lot of things that could be fixed with ATOS and with the voluntary disclosure systems. I think there is value in both of them. But quite frankly, unless there is a change in leadership in the FAA, none of that will matter. Because the culture has to change. And that won't change because of changes in the programs. That has to come with changes in the people at the top. And that has to flow down.

Until that happens, I think anything else would be cosmetic, and it may keep things out of the newspapers for a period of time. But the problems will be there, they will remain.

Ms. JOHNSON. Thank you very much. Thank you, Mr. Chairman.

Mr. OBERSTAR. Thank you for your questions, very pointed and right on target.

The gentleman from Pennsylvania, Mr. Carney.

Mr. CARNEY. Thank you, Mr. Chairman. This is for anybody who cares to jump in. I have asked this of prior panels earlier today, too. It is about, since the investigation broke in the press a couple of weeks ago, we have seen the FAA order the national audit. In the last couple of weeks, hundreds of aircraft have been grounded in six of the major airlines. Why is that happening now? Why shouldn't this have been occurring all along?

Mr. BRANTLEY. Well, sir, I think, if I might start, it is clear in my mind that there is fear that something is going to be found that they wouldn't want to be found. There is going to be an incentive for the airline to disclose that. One of the things that I didn't mention earlier that is also a part of this ongoing review that the FAA is doing, they are doing this jointly with the airlines. So it is not like just inspectors doing it, either. That way, if there is a problem found, it can very easily be voluntarily disclosed. Then it is non-punitive. And frankly, I think that gets to the heart of the problem again.

It feels to me like the FAA just doesn't get it, or maybe they're just arrogant enough to believe that they can do it anyway.

Mr. CARNEY. Anyone else?

Mr. MCNEASE. I will chime in just a bit, since I am not in the Southwest region. If ATOS worked, somebody said this earlier, if ATOS worked, these other carriers would have already been identified as having those problems. ATOS didn't work, I don't believe it is going to work, it is certainly not going to work for the 135 carriers of which there are thousands, not just a hundred. I don't see ATOS working. I believe it failed.

Mr. CARNEY. How much of a problem do you all think the revolving door is, private industry and FAA?

Mr. ANDREWS. I don't see that as near a big a problem as ATOS is.

Mr. CARNEY. Really?

Mr. ANDREWS. No. And something that not been mentioned about ATOS here is the resources that it drains from the inspector workforce. The AFS 900 is a virtual office, and I believe, it is my understanding they employ close to 100 inspectors there. So there is 100 inspectors that could be out in the field, looking at airplanes, flying with pilots, doing the job that we used to do, they are sitting in an office somewhere generating questions on a computer.

And to answer the Congresswoman's question about, she had some question earlier about the questions, I have been here 31 years, and some of the questions, the question that came up was, how can we do the same SAI 5 times and get 5 different results. I was with the FAA for 31 years, and some of the questions that are contained in those SAIs and EPIs, I have no idea what they mean. I mean, literally, some of them I have read over and over again, trying to figure out what they want me to do.

That is not an isolated incident. The entire system is set up like that.

Mr. CARNEY. Mr. McNease, I will close on this, Mr. Chairman, when you raised the issue to your management about the FedEx pilot that took the illegal charter trip, what was their response? Why did they not pursue action against this pilot?

Mr. MCNEASE. Their response to me was, don't do anything. Actually, his illegal charter that he flew, in his own airplane, I might add, that particular trip, the guidance that we have in our enforcement handbook calls for any deliberate violation of a regulation, any regulation, equals a revocation of your certificates.

He received a 30-day suspension, which he was able to whittle down at a hearing, or at a meeting with the FAA, to 13 days. He took two weeks' vacation and a day of sick leave, so it didn't cost him anything. Not a thing.

So the enforcement guidelines were not followed in that case. But that was a separate case from my issue. My issue was, was he flying over the requirements using that trip and what he was flying at Federal Express. Simply I don't know, because I wasn't allowed to do my inspection. Why my supervisor told me not to do the inspection is a question you ought to ask him.

Mr. CARNEY. Maybe we ought to ask that question, Mr. Chairman.

Mr. OBERSTAR. We can certainly send written questions and require their response.

Mr. CARNEY. Very good. No further questions. Thanks to the panel.

Mr. OBERSTAR. Thank you, Mr. Carney, and members of the panel, I want to thank you. But before we conclude, the Inspector General made several suggestions and I am sure you heard those, let me repeat. Recommending the establishment of an independent body to investigate inspector concerns, do you think that is a good idea?

Mr. ANDREWS. Can I speak to that?

Mr. OBERSTAR. Certainly.

Mr. ANDREWS. I think that is an excellent idea. A question came up a while ago about the manipulation of the ATOS data. Less than two months ago, I wrote a hot line complaint to the Inspector General, and part of the problem I addressed was the manipulation of inspection data. The IG apparently felt that it wasn't within their purview, and they forwarded that complaint down to the Federal Aviation Administration Flight Standards Division.

And guess where they sent it? They sent it down to the two guys that I wrote it about to answer. So I don't think our existing hot line is effective in any way at all. In the past, I have used the Administrator's hot line and I have used the IG hot line as a lever to move this organization where I saw a serious problem and couldn't address it from the floor up.

Mr. OBERSTAR. As the first panel today said, or Mr. Boutris said, I signed my name.

Mr. ANDREWS. I did too, every time. Every time I have submitted one, I put my name and phone number.

Mr. OBERSTAR. So what is a whistleblower, unidentified whistleblower line going to do? If they don't pay attention when you sign it, then how are you going to pay attention if you don't sign it?

Mr. ANDREWS. Exactly. I have never asked for whistleblower protections and I have never submitted an anonymous complaint. I think if you are going to have an effective hot line, and I think you need an effective hot line, it is going to have to be something similar to the way a police department works, like a civilian review board that has no outside or governmental interest one way or the other.

Mr. OBERSTAR. The question is, we are going to have an independent body, the IG said, recommended that the FAA established it. I think that would be dangerous.

Mr. ANDREWS. Absolutely.

Mr. OBERSTAR. Who should be the originating entity to create an independent body? Mr. Brantley?

Mr. BRANTLEY. Mr. Chairman, as everyone has said, another internal hot line is the last thing the FAA needs. I think this needs to be set up by, it has to be independent. I think the IG could probably come up with some regulations for that very quickly. And with all respect to both the Inspector General and the Office of Special Counsel, I would have a hard time recommending to any of the members that I represent that they go anywhere but one of those two places. Because there is nothing internal to the FAA that will get their problems resolved without them becoming a target.

Mr. OBERSTAR. That is absolutely right. I have been mulling this over and probably a combination of recommendations by the Inspector General, the Comptroller General, the General Accounting