

Throughout the above period, I communicated my concerns through appropriate channels and maintained the expectation and faith that FAA machinery would engage and appropriately correct the PMI and those that were driving the office divide by their resistance to authority and accountability. Unfortunately, I do not believe that the scope and source of the serious safety and compliance-related differences in the Southwest Airlines CMO were ever properly acknowledged or understood outside of the CMO during the above period.

My observations concerning events and conditions within the Southwest CMO ended with my transfer to the AMR CMO in May 2007.

I trust that my statement and responses to any questions are helpful to this distinguished Committee and its processes. Whatever the outcome of these hearings, I am also hopeful that the outstanding service and everyday commitment to aviation safety by so many others in the Flight Standards Service is not forgotten by those that we constantly strive to faithfully serve. Thank you.

Mr. OBERSTAR. Thank you very much, Mr. Cotti. The web, it seems, gets ever more intricate.

Mr. Naccache.

Mr. NACCACHE. Good morning, Mr. Chairman and Members. In response to your invitation, it is an honor and privilege to be here to provide you with my testimony.

First, if I may, now that I have retired, I would like to take a minute to introduce myself and state some of my credentials. My name is Robert Andre Naccache. After more than 20 years of service in flight standards, I recently retired in November 2007 from the FAA as an Assistant Manager of the Southwest CMO.

During my tenure with the FAA, I served about three years as a Principal Inspector for 129 foreign carriers, six years as a Principal Operation Inspector for several 129 supplemental air carriers operating domestically and internationally, eight years as a Supervisor for Certificate, airman certification and carrier certificate and surveillance, and, lately, three years as an Assistant Manager at the Southwest CMO. While with the FAA, I was presented the Southwest Region's Field Inspector of the Year Award in 1994. I also twice received the Southwest Region's Supervisor of the Year Award for the year 2001 and 2003.

Prior to my career with the FAA, I was an airline pilot for 17 years, flying overseas Boeing 707 and the Boeing 747, as a captain, between Europe, Asia, Australia, and the U.S. Before that, back in my mid-twenties, I was an FAA-certified flight instructor for three years. This gives me over 40 years of experience in the field of aviation.

Now let me tell you that I care a great deal about the FAA. It is an excellent agency, unmatched anywhere else in the world. And, trust me, I have experience of that, flying overseas. The majority of employees produce outstanding work for aviation safety. The FAA guidelines are well conceived. The air transport industry and the FAA created partnership program as a means of addressing safety problems and to prevent potential safety hazards; however, they need to be consistently and fairly implemented across the board.

This has been the problem in Southwest Airlines Certificate Management Office. Of the FAA partnership programs, I notice the abuse of authority of the following two, discussed in my written testimony. They are voluntary disclosure reporting program and Memorandum of Understanding addressing airman certification. Very important.

Mr. Mike Mills and I were assigned to the Southwest Airline Certificate Management Office simultaneously as Manager and Assistant Manager, respectively, on November 14th and 15th of 2004. It was not long until we noticed that there was a lack of substantiating data records, correspondence and other reporting documentation related to certificate management. In addition, we also noticed that the Principals, two or three of them, were not adhering to FAA policy and guidance when it came to enforcement actions.

My attempts to correct these issues were always met with intense resistance, especially from the Principal Maintenance Inspector. As our concern about the Principal Maintenance Inspector and other inspectors' relationships with the carrier increased, the Manager tried in vain, through numerous meetings and memos, to correct the situation. Some of these inspectors are still working at the Southwest Airlines Certificate Management Office.

After communicating several times to the Regional Office about this issue, the Manager was told it was a personal problem between the Principal Maintenance Inspector and himself. Ultimately, the Regional Office prepared an agreement of cooperation which management at the office were told to sign. The last version of this agreement was signed in January of 2007.

Two months later, in March of 2007, Southwest Airlines flew several aircraft without compliance with an unworthiness directive. After self-disclosure by the carrier under the VDRP program, this violation continued with the knowledge of the Principal Maintenance Inspector and probably other inspectors. Allowing Southwest Airlines to continue operation of these aircraft in passenger revenue service by the Principal Maintenance Inspector is an abuse of authority. I am not sure whether the other two Principals knew or not. This was a serious safety issue because cracks were found in the aircraft fuselages.

About the same time there was another case of Southwest Airlines operating aircraft without complying with the required inspection concerning the standby rudder power control unit. One airworthiness inspector who became aware of these violations tried to do the right thing and kept insisting to follow the agency guidelines. He was shunned as a troublemaker and, for a period of several months, was suspended by the Regional Office from any work related to Southwest Airlines. The manager sent repeated requests to the Regional Office for assistance. The last one relating to the power control unit was sent the first week of May of 2007. A few days later he was removed from his position and replaced by the Principal Operation Inspector at the time.

I have more details in my written testimony.

On the operation side, guidance and policy were not followed in the approval of a Memorandum of Understanding concerning airman certification. According to Order 8400.10, now 8900.1, South-

west Airlines is not qualified to have a designee program; therefore, not eligible to have a Memorandum of Understanding for training of FAA Aircrew Program Managers.

Despite their lack of qualifications, Southwest Airlines has been approved by the Regional Manager's Office for many years to have a Memorandum of Understanding which does not limit the training to an Aircrew Program Manager as specified in the Order I mentioned earlier. But this approval allows all FAA Operation Inspectors, including FAA management, to receive all required training and to obtain a type rating at the carrier's expense. I believe that this improper approval was a blatant abuse of authority by higher management, leading to conflict of interest and unethical practices and, in addition, endangering the public safety. This is well detailed in my written statement.

In conclusion, we need to make sure that the job is done in a manner consistent with FAA policy guidance and directives. I believe that abuse of authority and regulatory partnership programs should never be allowed because this will lead to serious consequences. Thank you very much.

Mr. OBERSTAR. Thank you, Mr. Naccache. Certainly, against your extraordinary professional background, that is very compelling testimony. Thank you.

Mr. NACCACHE. Thank you.

Mr. OBERSTAR. Mr. Lambert.

Mr. LAMBERT. Thank you, Mr. Chairman. My name is Terry Lambert. I have been a Federal employee for 37 years. I have been an Aviation Safety Inspector with the FAA since February 1998. Those years, I had six years in management. I have been assigned as a Manager of the Safety Analysis and Evaluation Branch, ASW-290, Southwest region since April 1st, 2007. During the last year, I have spent almost 100 percent of my time investigating the issues within the Southwest Certificate Management Office.

As you have heard, there is no way I could present all these findings in a mere five minutes; therefore, I will summarize a few of the most serious.

In April 2007, the Southwest Region Division Management Team assigned ASW-290 to investigate into the Southwest Certificate Office based on the following: a technical evaluation conduct in April 2007; Workplace Evaluation Assessment Team report from 2005; a review of letters of concern by Bufford Eatmon in December 2005; AD 2004-18-06 overflight review conducted in April 2007 by Kermit Teppen and Skip Whitrock; and a memo from Bobby Boutris dated April 30th, 2007, sent to the Office Manager, Mr. Mills. Here are some of the results:

The technical evaluation team discovered 42 issues in the office. The office file system was almost non-existent or not current. The office did not maintain the proper documentation of approvals or rejections. The office relied on documents that Southwest Airlines maintained in their online system as historical documents. Southwest Airlines called Mr. Gawadzinski, the SPMI, Supervisory Principal Maintenance Inspector, on March 15th, 2007, and informed him of AD issues on 100 aircraft. Gawadzinski encouraged Southwest to self-disclose the issue. Southwest filed a Voluntary Disclosure on March 19th, 2007.