

the program and also do surveillance inspections to ensure Southwest Airlines is following their procedures.

His response to that was: I have other inspectors for that.

I do have an e-mail from him, stating that my area of inspection is Dulles. Well, that is the only place that Southwest Airlines flies.

Mr. COSTELLO. I thank you, and I thank you, Mr. Chairman.

Mr. OBERSTAR. A further way of answering your question is to say very simply that a letter of investigation has consequences that can result in fines. A letter of concern does not.

Mr. BOUTRIS. Yes, correct. Yes, sir, that is correct, but the letter of concern is nowhere identifying our guidance.

Mr. OBERSTAR. That is right. That is correct.

The Committee will stand in recess, pending the votes on the House floor, and we will resume 20 minutes after the last vote. The panel, since they are under oath, will be sequestered by the Committee staff.

[Recess.]

Mr. OBERSTAR. The Committee will resume its sitting.

At the time that we broke for the votes, Mr. Costello had concluded his questioning, and now we turn to Mr. Hayes of North Carolina, a pilot, a diligent Member of this Committee.

Mr. HAYES. Thank you, Mr. Chairman.

This is a very important hearing. I think we have established several things. That is serious mistakes in oversight have occurred on the part of the FAA and on the part of Southwest Airlines, and I am confident that we will move aggressively on the part of everyone involved to correct the situations that have been pointed out in great detail.

As others have said, thank you for the testimony from our first panel.

I would like to pick up, if I may, on a question that Mr. Costello asked. I think it is very appropriate to make sure that we understand and have the right answer. His question, if I remember correctly, was: Do you think the problem that we have uncovered and discussed today is system-wide or restricted to the area that you all have been covering?

There was yes and one acknowledgment, but I would like to ask the panel that across the board. Mr. Boutris, would you?

Mr. BOUTRIS. That was in regard to if this problem exists in other CMOs and other FAA offices here?

Mr. HAYES. Correct. That is basically the question.

Mr. BOUTRIS. Basically, the only thing I can say is what I responded earlier, that the ATOS program can be manipulated and the person that looks at the dashboard.

Mr. HAYES. Just a yes or no.

Mr. BOUTRIS. No.

Mr. HAYES. Mr. Peters? Okay, no.

Mr. PETERS. I think potentially it could, however.

Mr. HAYES. Well, obviously, it could, but do you think this is a system-wide problem of this extent?

Mr. PETERS. Maybe not to this extent.

Mr. HAYES. Okay. And, Mr. Mills, you shook your head a minute ago as it is not a system-wide.

Does anybody disagree? Let's not belabor it.

All right. My point is we want to correct the problems that we have identified from this hearing, but we also want to make sure that the perception of the flying public is not mistakenly headed in the wrong direction because of the issues we talk about today.

The facts are very clear that aviation in general, whether it is airline or general aviation, is in the safest period in its history and that is what we all strive for. The airlines have a similar record now of that type of safe operation. It is far safer than driving.

So my point, again, is to make sure that people who are flying or thinking about flying know how much effort goes into keeping everything safe.

I have been flying for 40 years. Those of you who are sitting behind the microphones there know that every time the pilot does a pre-flight, he is an inspector. Now he doesn't have everything dissected but, as someone said earlier, it is important to focus on the fact that there is a culture of safety that exists, that wraps around the entire issue. It doesn't necessarily start with anybody, but everybody has their part to play.

So, as important as this hearing is, I hope, again, that the main end result is we take a situation that has been brought to light, correct it, correct the problems that may carry over. But there are people and there are machines and there are subjective issues and there are objective issues. So, again, the perspective is we can always be a little bit safer, but we are flying in the safest time in history.

Mr. Mills, what is the main takeaway today for the FAA and for the airlines?

What is the action plan? What is the first thing we do when we walk out that door?

Mr. MILLS. Well, I think the initiatives that I espoused in my testimony would be worthwhile, a rotation of senior managers to ensure that if something like this doesn't happen due to entrenchment.

Mr. HAYES. Cordial but not cozy, is that what we are saying?

Mr. MILLS. Yes. I think it was my memo that coined the term, coziness.

Mr. HAYES. Yes.

Mr. MILLS. It was pretty clear to me what was cozy and what wasn't.

And, to answer your question earlier about whether this is pervasive, I don't really think it is. I think there may be some degrees of problems among other offices, but this is a unique situation where we had a rogue inspector who simply could not be corralled and made to go in the right direction and appeared to be protected at every turn.

Mr. HAYES. Okay. Thank you. That is very important.

I just had something I wanted to finish up with, but I can't remember what.

Oh, in the letter that I submitted, Mr. Chairman, from the pilots, they pointed out a very important issue. They, as pilots, are obviously concerned as much, if not more so, than anybody because they are responsible for their own safety and the safety of their passengers. The pilots, in the case of Southwest and other airlines, are very, very diligent in doing their part.

I don't know about you all as flyers, but as somebody flying an airplane I have a good relationship with the mechanics that are turning the wrenches. I think that is appropriate. There is a relationship, cordial, businesslike, not cozy.

Mr. Chairman, thank you, and I can't yield back my time. I don't have any.

Mr. OBERSTAR. I thank the gentleman for his observations. He is a pilot of long standing, and he has been diligent in participating in the work of the Aviation Subcommittee and the Full Committee.

I do have to point out that my definition of safety is the relative absence of risk. It is not whether the whole system is working well, but is there risk, what is its relevance and how wide is that risk and how wide are we establishing the margin of safety.

When you have an egregious breakdown as occurred in the instance that we have heard about this morning, in excruciating detail, then there is the possibility that it creeps to the rest of the system. The purpose of hearings of this nature and oversight of this kind is to ensure that it does not creep.

We now go to Mr. DeFazio, former Ranking Member of the Aviation Subcommittee and one who has had a longstanding interest and participation in aviation issues.

Mr. DEFAZIO. Thank you, Mr. Chairman.

Mr. Chairman, quite frankly, I am alarmed at what I have heard today, and I am just going to recount a little history because we have very short memories around here.

When I first came to Congress, there was something that was referred to as the tombstone mentality at the FAA which is we went after problems, after a bunch of people had died.

I got involved in the 737 rudder problem very early on before the second plane went down, when the FAA was still saying, oh, it was some weird rotor wind or the pilot had a heart attack or whatever. We found out we had a severe mechanical problem that was very occasional but, unfortunately, very fatal. That took quite some time.

I fought for years to get over-wing access after the Manchester flight when it was demonstrated that if you don't have adequate access over the wings, people die piled up like cord wood. It took years.

It took them six months in Britain. It took us years.

Then the whole issue of since I have been here I have been trying to get OSHA coverage for flight attendants, which not inconsequentially would provide for a safer environment for the passengers, but the agency refuses.

Now a lot of this is embedded in history, and the history was the agency was charged with promoting something it inherited from the CAB, promoting the industry and regulating safety. From the time I first came here, I said you can't do both those things. It doesn't work.

I had administrators say, oh, no, no problem. No problem.

Then finally after the Value Jet tragedy, it was recognized that that wasn't working, was it? And so, I got legislation that Mr. Costello, Mr. Lipinski and I had introduced with the support of Chairman Oberstar inserted into the FAA Bill that year that stripped away the dual mandate.