

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.

Now I am going to get to a question, but this comes from Mr. Boutris' testimony because, as I was listening to him and reading this, I thought, have we rolled back the clock to the dual mandate era? Are we promoting? Is this a result of customer service initiative?

When you said in here, what is alarming is the fact that even today we are still being reactive. This is proven by the notice that the FAA issued two weeks ago, ordering FAA inspections on the airlines in order to validate AD compliance because of this hearing.

Then you ask about ATOS. I also had at least three meetings with Nick Sabatini, as Ranking Member, expressing the same concerns as the Chairman, saying, I don't get how this ATOS thing is going to work. I want people out there watching, on the ground, monitoring and doing real inspections.

A computer system to monitor a computer system. As we heard from Mr. Boutris if you are told not to input something into that computer system, well, it just goes away, doesn't it, or maybe something worse happens.

Then you said down at the bottom of that page, the majority of ADs are the result of catastrophic accidents and, as the industry saying goes, ADs are written in blood.

So I guess my question would be to the panel: Did the FAA take seriously the change in the law that I made in 1996, stripping away the mandate to be a promoter and to be a regulator in the public interest for public safety? Were we making progress?

I knew there was a long culture. I knew it would take time. Were we making progress up to 2003 or did nothing ever change or did 2003, with this customer service initiative which came from an Administration that hates government, is contemptuous of government and hates regulation even more?

The customer service initiative, to me, is clearly intended to say, we are not going to regulate really. You are our customers, and we wouldn't want you to be upset with our scrutiny.

If you read through the directive and Marion Blakey's speech and all that, it becomes apparent.

So the question is, to anybody on the panel, did 1996 make a difference when we changed the law? Was there a cultural difference evolving?

Were we becoming more a regulatory agency and less a promoter of the industry up to 2003, and did 2003 mark a sea change with the customer service initiative and the culture of the Bush Administration and all the political appointees pushing to be customer-friendly to those people we are supposed to be regulating?

Mr. Boutris?

Mr. BOUTRIS. I will take that question, sir, and I think it is a very good question. What you are saying, I agree with you 100 percent. I have been in the aviation industry for 30 years, 20 outside the FAA and 10 with the FAA.

What you eliminated, which was fostering promoting aviation and trying to regulate at the same time, was excellent. However, I think the facts are proving, but another thing came in, the customer service initiative which took its place. So, yes, we are promoting safety through customer service, and I believe we cannot do both.

I believe that the airlines are our customer, and I will do anything in my power to help them out like I did with the engines when I found the problem. I worked with them for a year.

However, we have forgotten the most important customer which is the taxpayers. We have taken an oath that we are going to ensure that the airlines provide safe public transportation.

Are we doing that? Well, from what I gave you, on our side, I don't believe we are doing that.

And I do, though, with all due respect to Mr. Hayes, I want to go back because he said the answer was no.

Actually, my answer was not no. The answer was yes because if ATOS was working when the notice came out to do the compliance for the ADs, he shouldn't have any airplanes grounded, but he had hundreds of airplanes grounded. So this is not just Southwest.

So, with all due respect, to Mr. Hayes, I just want to say my answer was yes. It was not no, and I know it was cut short.

But if the system was working, a lot of these principal inspectors should have a lot of red lines on the dashboard, the ATOS dashboard having risk indicators. This way, they can do these inspections prior to you having this Committee hearing, and there was another knee-jerk reaction.

Let's issue the notice and see how things are going out there. Let's take the polls. Well, the polls were not well. I want to tell you that the patient is not that well.

Mr. DEFAZIO. Thank you.

Anybody else want to reflect on whether the customer service initiative could be part of the root cause here and/or whether or not we ever saw a cultural changes resulting from the change?

Were people aware of the change in the law? Was it made aware to people in the agency when I changed the law in 1996? Were people aware of that, that we had stripped away the promotional mandate?

Anybody?

Yes, you were. Okay.

Does anybody think that things just never changed or we kind of got set back as Boutris thinks by the so-called customer service initiative, which again created this sort of conflict?

Mr. MILLS?

Mr. MILLS. Well, I think the, excuse me, the customer service initiative did set us back because I remember when we started promoting this. I was mandated to go to every single operator in the Dallas district office. It took me weeks to drive to all those places and hand them materials that made them understand how friendly we are now and how we want their concerns to be elevated through this mechanism.

Mr. DEFAZIO. You had to hand deliver this package?

Mr. MILLS. Yes, sir.

Mr. DEFAZIO. I want to hear this. Continue, but if you could also relate to me how often you were able to get around in an inspector's capacity to all of those same folks.

Mr. MILLS. I was not able to do that, sir. I was the manager at the time.

Mr. DEFAZIO. But in this, were you ordered to go see them all?

Mr. MILLS. Yes.

Mr. DEFAZIO. Okay. So you were not able to get there in a capacity of oversight and inspection because there were just too many of them.

Mr. MILLS. Right.

Mr. DEFAZIO. But you were torn away from those other duties to hand deliver a package that could have been mailed or they could have gotten on the internet about the customer service initiative.

Mr. MILLS. That is correct. We had to visit them personally.

Mr. DEFAZIO. Anybody else want to comment on this thing?

Okay. Thank you, Mr. Chairman. I am over my time. I will have more questions later.

Mr. OBERSTAR. Mrs. Capito.

Mrs. CAPITO. Thank you, Mr. Chairman. I think that I will hold my questions until later. I appreciate it.

Mr. OBERSTAR. Mr. Moran.

Mr. MORAN. Mr. Chairman, thank you very much.

I appreciate the testimony I heard earlier today, and I am glad to have the opportunity to ask a few questions.

Let me initially direct my line of questioning to Mr. Mills. I am thinking about how we go forward from, this point in time, and you point out the value of the self-disclosure programs, but that it is highly dependent upon the integrity of those that are implementing that disclosure program. In your opinion, who is in the best position to exercise the oversight of the Voluntary Disclosure Reporting Program, at what level, what position?

How do we prevent what you describe happening from happening again?

Mr. MILLS. I am not sure that at the journeyman inspector level is the place for it. Perhaps, those individuals could be participants, but I think there needs to be more review at an upper level of that. I am not sure what level.

But it is, in this case, something that was terribly abused, and I would say I would start perhaps at the manager level, office manager level.

Mr. MORAN. Can you briefly describe for me the scenario?

When you say it was seriously abused in this circumstance, describe for me, again, that scenario. Where was the failure?

Mr. MILLS. Well, the failure was on the part of the principal maintenance inspector who, because of his cozy relationship with Southwest, was not only accepting the self-disclosures but encouraging the operator to file them so that they wouldn't have to, so that he wouldn't have to file enforcement actions against them. Of course, enforcement actions are a matter of record and self-disclosures are not.

So that, I hope that answers your question.

Mr. MORAN. It does.

The supervisory principal maintenance inspector that you just mentioned, his personality you talked about and his inference of his connections, rapport with those in more senior positions. Does that accurately describe what you testified to earlier?

Mr. MILLS. Yes, it was a very strange situation. I presumed that much of his hype, self-hype, was just that, self-hype, but there were certain instances that occurred during my relationship with him