

pressed positions or made decisions that just made no sense in the context of the issue or how it was governed by our guidance.

Things like the aviation safety program information where mechanics can disclose to the agency that they have done something wrong and if it fits certain criteria, in the interest of safety, the FAA accepts that information.

He took a position—where de-identified information, information where the mechanic's name had been removed and the core safety information remained—he took the position that that information went into a black hole where no one outside of this very small event review committee, which is made up of the airline management, the labor group and the FAA, that the information could not be shared in any way outside of that group.

And when the manager, Mr. Mills, attempted to rectify that situation so that that data could be used for the purpose with which it was intended, he was very resistant to that.

Mr. CARNEY. Did they defy the law, never mind FAA logic? I know you are not a lawyer, but I am asking.

Mr. COTTI. Right. I don't know that it violates any sort of law. I mean each situation would be looked at differently, but certainly it was contrary to our policies and, as I expressed earlier, it just didn't make any sense. Why would you tightly guard and prevent that information from being disseminated to appropriate folks when that was the whole purpose of gathering that data?

Mr. CARNEY. Thank you, Mr. Chair. I am a little over my time. Thank you.

Mr. OBERSTAR. That is quite all right.

Ms. Hirono.

Well, first, Mrs. Capito, do you have any?

All right. The gentlewoman from Hawaii, Ms. Hirono.

Ms. HIRONO. Thank you, Mr. Chairman.

I think what really is described here is the too close relationship, of course, between the regulators and the regulated with people who come from the private sector, i.e., working for airlines, moving into the FAA as employees and vice-versa, not to say that that in and of itself is a problem.

I realize that the Chair has said that maybe one of the ways that we can prevent too cozy a relationship is to rotate the assignments. Do any of the panelists have any other suggestions on how we can prevent the too cozy relationships from arising?

Mr. MILLS. I think perhaps Mr. Sabatini has a good idea in having some mechanism through which lower level managers can have a voice unfettered by a dysfunctional superior. I am not sure how that would work, but it seems to me that newspapers have ombudsmen. I can't say the word, ombudsmen.

Ms. HIRONO. Ombudsmen.

Mr. MILLS. And there are many entities out there where you have a no-fault avenue to take your concerns.

In the case of the Southwest region, it was unwritten but understood policy that we would never go outside the chain of command without some serious repercussions. And, at the point where I was, I wasn't sure who was connected to what, concerning Mr. Gawadzinski. So I was very careful in whom I should speak to and

fearful of the consequences that might occur if I did get out of that loop.

Ms. HIRONO. Any of the other panelists care to respond?

I know, Mr. Boutris, in your testimony, you raised some concerns about that kind of a system when you, yourself, were so clear in what you were pointing out.

I have another question especially to the first three panelists. As more and more of our aircraft maintenance is outsourced, do you have concerns that this makes it even harder for the FAA to maintain the kind of oversight over maintenance because so much of the maintenance is out of our Country?

Mr. BOUTRIS. I believe that we should be concerned about that. I hear statements and I read that the regulation applies the same way if you do maintenance in this Country or if you do maintenance in another country. Well, I can tell you the requirements are not the same.

In this Country, the aircraft mechanics have to take a drug and alcohol test. In other countries, there is no requirement for that.

Also, in our Country, the mechanics have a duty time where they have to take time off after so many days. There is no requirement in other countries to do that. So we do have differences.

As for oversight, it is harder to go and perform surveillance, but on the same token I don't want this to sound like every country that offers aircraft maintenance is bad because a lot of countries out there that offer aircraft maintenance are a lot better than, sometimes, our own maintenance.

But for surveillance, for me, I participated three times for oversight for different repair stations. I want to tell you that that was part of the work group when they came out to do these team inspections on the repair stations because, for example, I am on Southwest Airlines. If Southwest Airlines sends engines or their aircraft, for example—well, in Brazil, for example, Southwest Airlines has a contract with General Electric. The engines go to Brazil GE and that is where some of the engines get overhauled.

Now if I went over there for Southwest Airlines, I did my inspection for Southwest Airlines, I came back, and I reported my findings based on the regulation and the Southwest Airlines procedures. Now if somebody worked for American Airlines, they go down there to do the same thing. If you work for Continental, you go down there to do the same thing.

So they came up to do the team inspections. Instead of sending 100 people, you just send a team of people. And then you can take that report and, based on that, you can look at the findings.

Well, my question to the work group was when they were in the process of coming up with this team inspection was when I go down there or any repair station outside the United States, one of the questions specifically states: Does the repair station follow the air carrier's procedures?

As you know, the air carrier's procedures take precedence over the regulation because we approve some of them, and we make sure that they follow the regulation and they meet the regulation, and that is why the procedures are approved.

So my question was, if I go to Brazil, for example, and look at GE engines that Southwest has in house for overhaul, I answer

that question just specific for Southwest, that GE is following Southwest Airlines' procedures.

Now how can you tell the inspector who works for Continental Airlines you have to accept that answer because I don't know what Continental's procedures are. I know what the regulations are, but each airline has above and beyond procedures in place for that.

So the answer to that was from the group leader, that well, that is why they have CASS in place which is a Continuous Analysis and Surveillance System for an airline. So they are going back then to self-policing themselves. So if you are going to accept the answer from their program for the CASS program, why go and do the inspection at all? Just accept their whole inspection then.

So you see there is disconnect there, and as of today that is what is happening. We are sending team inspectors out there to do team inspections, and then you look at their findings, and then you accept what they have found. However, you are not ensuring that your airline is really part of it.

Ms. HIRONO. Mr. Chairman, is my time up?

Mr. OBERSTAR. Your time is expiring.

Ms. HIRONO. I saw a hand.

Mr. OBERSTAR. If you have a follow-on comment, you may do it.

Ms. HIRONO. Well, I saw a hand going up, Mr. Peters, and really briefly if you care to comment.

Mr. PETERS. Well, it will be brief, and I would like to respond to that.

If we are having trouble seeing the carriers in the Country, how can we effectively oversee carriers that are outsourcing their maintenance?

The inspection team that would go and inspect this foreign repair station to the air carrier's standards would have to be very familiar with that particular air carrier, and in the ATOS world that is an air carrier specific briefing that is a requirement by each certificate office that oversees the carrier that they are assigned to.

So, how can we say that it is an equivalent level of inspection when we have inspectors that do a great job in an international field office that might go in once a year for recertification of that repair station, not know American or Southwest or United or whatever the carrier's procedures are?

It takes quite a bit of time and effort. These carriers are so complex and their maintenance program is embedded in several different areas throughout the carrier manual system. For us to go in there and give it a one shot quick inspection, calling it a recertification and not knowing how the system works for that particular carrier, I don't think we could honestly say to the Committee or to the flying public that it is an equivalent level of safety.

Ms. HIRONO. Thank you.

Thank you, Mr. Chair.

Mr. OBERSTAR. Mr. Moran.

Mr. MORAN. Mr. Chairman, thank you again.

I am sure, at least if the way things normally happen in Congress happen again in regard to this issue, we will have a discussion about resources to the FAA budget, money, allocations.

Is what we are talking about here in this discussion today, is it related exclusively to management, to personnel, to management