

days later. Had this inspector done what I did, the airplanes wouldn't be flying for seven days because Mr. Mills would have grounded them.

So, to answer your concern, I think we need to start with accountability.

Mr. DEFAZIO. Okay. Anybody?

Yes, Mr. Peters.

Mr. PETERS. Mr. DeFazio, I know it might seem like harsh words when I said that the management personnel with the responsibility and authority have proved themselves unworthy to be custodians of the public trust. That is my, that is coming from my heart. I really don't.

Mr. DEFAZIO. You can see you feel very deeply about this.

Mr. PETERS. Well, it is sad. It is sad that it has come to this, but it has, and we have to face reality. That is why Mr. Boutris and I were so persistent in getting the information forward to the Committee so that we can take appropriate action.

If you are asking us what the appropriate action might be, I don't think the FAA can be trusted to police itself in regards to this matter that you spoke about, with a hot line, I don't see how that would help.

An external organization, I don't know what you would call it. Maybe we have an organization in place that could do that. Maybe give them more authority to come in and inspect what do, where we would have to provide evidential proof this is how we determined and this is how we got to where we are at in our inspections.

Mr. DEFAZIO. That is something to think about, Mr. Chairman. I liked your earlier idea on a legislative fix, but I think that is someone who would not be in that political chain of command and would be more responsive perhaps to these concerns.

Mr. OBERSTAR. I think that is a very important line of consideration and one that we will have to explore. To address this issue takes more than one fix. It is going to take maybe a series of actions that will result in a change in the culture of the FAA.

This lingering question about manpower, workforce and ATOS, I just go back to 1986, following the hearing our Subcommittee held on Galaxy Airlines. Here is this so-called airline. It had one flying Electra and two Hangar Queens from which parts were scavenged to supply the flying aircraft.

When we uncovered all the wrongdoing behind the scenes of the management of that so-called airline, FAA rushed in half a dozen inspectors to oversee Galaxy, leaving a major air carrier in the Southwest FSDO with only a skeletal maintenance oversight crew of FAA inspectors.

They were, in effect, making the FAA the maintenance provider for this scummy airline, and I say that with deliberate intention. I know, well, I won't go into the disreputable operation of that carrier.

So I went then to my good friend, Mr. Mineta, who was Chair of the Aviation Authorizing Subcommittee and said, when the appropriation bill comes to the House floor, I want you to join with me in offering an amendment to increase funding for the inspector workforce of FAA. He did. We offered an amendment to provide an

additional \$10 million a year to hire at least an additional 1,000 inspectors.

The amendment passed, survived the Senate and conference, signed by the President and the FAA began expanding its workforce. We need to do that again. We need to expand that workforce.

But when I made that move, it was with full participation and compliance—I shouldn't say compliance—full partnership with the FAA top level management at the time. They said, you are right. We are understaffed. We need the help. Help us do this.

We need that same attitude today instead of what Mr. Costello referred to a little bit ago.

I want to come back to one of the fundamental issues here, and that is the voluntary self-disclosure. A non-compliance issue is eligible for self-disclosure without penalty if it is found by the airline first, correct? With no prior knowledge by the FAA, correct?

That is a very fine line. If you have someone within the FAA who is tipping off the airline, then they can get to first base before the ball gets there. Is that right?

Isn't that a little bit of what happened here?

Aren't there some non-compliance issues that have been filed over the last couple of weeks that were previously allowed to be submitted as self-disclosure even though FAA knew about it? That then would have made them ineligible, isn't that correct?

Don't nod because that can't be recorded in the testimony.

Mr. BOUTRIS. Yes, sir. It is correct. If the FAA finds out about non-compliance first, the airline cannot self-disclose the violation.

Mr. OBERSTAR. All right. We are going to explore this voluntary self-disclosure in more detail at the next panel.

I also want to come to the customer service initiative. After what we have heard today, my opinion is that it ought to be withdrawn, repudiated, torn up, thrown away, and we ought to start fresh. I wonder what you think about that.

Mr. COTTI. Mr. Chairman, I would be careful on throwing out the baby with the bath water. I believe that program has some merit, and in those cases where it did not work as advertised I think it would be more appropriate to rectify those situations.

Mr. OBERSTAR. You wouldn't throw it out. You would modify it.

Mr. COTTI. Yes, sir. I would put tighter controls on how it is being used.

Mr. OBERSTAR. All right.

Mr. Lambert?

Mr. LAMBERT. Yes, sir. The customer service initiative was initially put in place to where if there was a disagreement between an inspector and a carrier, that it could be elevated to get the right guidance approved or whatever they needed.

It has become a complaint system. If an air carrier doesn't like a principal's decision, they do it in a CSI because they know it will eventually get to you guys and they will get a decision in their favor more than likely because it becomes political at that point.

It needs to be modified and used as was intended to get the guidance, the proper guidance to resolve the issue at the lowest level.

Mr. OBERSTAR. Thank you.

Other comments from other panel members? Mr. Peters?

Mr. PETERS. Well, last week, when I was conducting the AD inspections for my carrier, when I returned, I read an e-mail that referred to my carrier as a client. It is a little troubling for me to understand where I stand as an inspector, as a regulator when I am dealing with my client which, to be honest with you, I have never been trained on anything to do with a client other than enforcing the regulations. So it is kind of a gray area for some.

I think it does have some benefit, like Mr. Lambert said, where we do work with a carrier and, if they need for resolution, they certainly need to have the avenue to raise their level or to raise their concern to somebody within the agency if they are not getting the proper response.

But the client and customer initiative, as it is being used today, I don't see the value.

Mr. OBERSTAR. This is a multi-modal Committee. We have jurisdiction over all the modes of transportation except elevators. There was one year when there were more fatalities in elevators than there was in aviation. That was about 15, 20 years ago.

[Laughter.]

Mr. OBERSTAR. In the rail safety arena, in 1994, 1995, 1996, I found an astonishing practice between the freight railroads and the Federal Railroad Administration in which there were similar Railroad Safety Advisory Committees.

The railroads sat down nicey-nicey, patty-patty with the Federal railroad inspectors while the members of the railroad brotherhoods—the signalmen, the maintenance workers, the conductors, the locomotive engineers—were saying there are serious safety problems on the railroads that are not being addressed because the Federal railroad inspectors are hand in hand, hand in glove with the railroads. I exposed that at a hearing and raised holy hell, put it this way, with the Administrator of FRA.

The result was they changed that system. They didn't use the term, customer, but instead of treating the railroads as a partner, they changed their mind set to: We are here to oversee safety. Our responsibility is to assure that you are running your railroad in a safe manner for employees, for the cities through which you operate and for the freight that you are carrying.

And we need that same change of attitude. I don't think that the role of the FAA is to consider the airlines as their customer. They are not a service organization to serve the airlines. Airlines are a service organization to their passengers. If there is a culture of customer, then it has to be by the FAA to the air traveling public.

I think we need, yes, Mr. Cotti, I think some sort of cooperative arrangement where the airlines voluntarily bring information forward but one that is done within a regulatory framework.

In the end, the airlines have the primary responsibility. There must be a culture of safety in the corporate board room. It must permeate the whole organization and so with the FAA. It has to start at the top.

Every one of you witnesses here has shown that you have that culture of safety, that you have it in your soul and your heart and your spirit on every day and every piece of action that you take, and I want that demonstrated at the top in the FAA.

As long as the FAA thinks of the airlines as their client, thinks of the airlines as their customer, that culture of safety is not going to take hold and not going to permeate the organization.

Oh, Ms. Johnson has arrived, our Chair of the Water Resources Subcommittee. At this time, the Chair recognizes the gentlewoman from Texas.

Ms. JOHNSON. Thank you, Mr. Chairman, and thank you for holding this hearing.

I ask unanimous consent to put my statement in the record.

Mr. OBERSTAR. Without objection, so ordered.

Ms. JOHNSON. I apologize for having to leave out earlier, but I just want to be very quick with this.

As I see the problem, I put most of the blame on FAA because if FAA inspects and reports it to the right avenue, then I cannot understand why an airline would not take heed. So what I would like to hear from you is where is the kink? Is it the buddy system? What is it?

Where does it fall off the line? Anybody or all?

Mr. COTTI. Ms. Johnson, I would submit that it becomes an issue of integrity. I think a lot of the issues we were talking about today have had to do with the integrity of one or several individuals. Integrity is one of the core values of our organization.

And, I think there is lots of ways to look at this, but this wasn't rocket science. This was there was an opportunity to make a decision, and the wrong decision was made, and I think it goes down to integrity with individuals

Ms. JOHNSON. Do you think rotating employees?

I know that it takes a certain amount of expertise for the inspectors, but it seems to me that when people stay in one place a long time they kind of get accustomed to letting things slide based upon the fact that they don't think it will be immediately that of a problem.

I have been trying to think through where we start. Do we prohibit FAA employees from going to work for a private airline for at least two years after they leave FAA or what do you think?

I know it has to start from the top, but it has not started from the top, it seems to me. So I am trying to deal with the problem.

Mr. MILLS. Well, I think that would certainly be a step in the right direction. In this particular case, the employee who left the FAA and went to work for Southwest Airlines certainly raised the question in my mind about propriety and, because of that, I asked for an investigation of that instance.

So I think it would be very helpful to have a waiting period before an inspector leaves the FAA and goes to work for industry.

Ms. JOHNSON. Anyone else? Do you concur?

Mr. PETERS. Yes, I do.

Ms. JOHNSON. Thank you, Mr. Chairman.

Mr. OBERSTAR. Thank you, Ms. Johnson.

I don't want to leave an impression here about whether the situation under discussion today with Southwest and the FAA is limited only to this particular FSDO.

Even if there were problems only with Southwest, it is clear that we have a structural problem at FAA. The problem at the operating level between the maintenance inspector and the air carrier