

Mr. SCOVEL. Northwest, yes, sir.

Mr. OBERSTAR. Yes. Okay.

Mr. SCOVEL. Both the Southwest and Northwest cases demonstrate that FAA must take steps to improve how it investigates safety issues and protects employees who bring important safety issues to light.

Finally, I would like to turn to the actions needed to prevent these events from occurring again. As the Committee is well aware, FAA has taken actions but only after events became public last month and this Committee's investigation was well underway.

FAA has proposed to fine Southwest over \$10 million and initiate a review of AD compliance at Southwest and other air carriers. These actions are necessary but long overdue, given the overflight was discovered a year ago. FAA must take actions to improve oversight of all air carriers, strengthen the use of partnership programs and restore confidence in the agency's ability to conduct oversight.

In addition to steps underway, we recommend that FAA establish an independent body to investigate inspector concerns, periodically transfer supervisory inspectors to ensure reliable and objective air carrier oversight, revise guidance to ensure that air carriers take corrective actions to address violations identified through self-disclosure, implement a process for second level review of self-disclosures before accepting and closing them, implement a process to track field office inspections and alert local, regional and headquarters offices to overdue inspections, and revise post-employment guidance to require an appropriate cooling off period for inspectors.

My office will continue to examine FAA's oversight approach from a national perspective as requested by the Chairman. We must ensure that these problems are not repeated and that corrective actions are properly implemented. We will report to you on our progress as well as other steps that can be taken to enhance safety.

That concludes my statement, Mr. Chairman. I welcome questions.

Mr. OBERSTAR. Thank you very much for a very strong, hard-hitting, straightforward statement.

Mr. Bloch.

Mr. BLOCH. Thank you, Mr. Chairman, Ranking Member Mr. Petri, Members of the Committee, thank you for this opportunity to discuss the work of the U.S. Office of Special Counsel regarding today's important hearing.

OSC exists as the chief protector of whistleblowers and the enforcer of the Whistleblower Protection Act.

The French have a saying: *La plus ca change, la plus c'est la meme chose*, which translates the more things change, the more they stay the same.

Things have changed in air travel but too much has stayed the same like safety, compliance and oversight. Management at FAA has fostered a culture of convenience and complacency which compromises safety.

In this case, thousands of real passengers were put at real risk because of FAA's breach of duty. The work of my office over the last four years shows this is not merely an isolated instance of one manager's cozy relationship with the airlines. It shows FAA has a

preference for reprisal against courageous whistleblowers who point out breaches by management.

Through the efforts of this Committee, my office and the U.S. Department of Transportation's Inspector General, it is my hope real change will result in better compliance, greater transparency and more effective FAA oversight.

In recent years, whistleblowers have made disclosures to my office of wrongful conduct by officials and employees of the FAA, conduct that endangers public safety.

Last July, I found there was a substantial likelihood that Anne Whiteman and other air traffic controller whistleblowers at Dallas-Fort Worth were correct in the disclosure that FAA managers at DFW were systematically covering up operational errors made by air traffic controllers. No one would listen to her concerns until she made her disclosures to us.

Similar disclosures by Ms. Whiteman in 2004 were investigated by the DOT Inspector General after OSC substantiated them. The IG report noted a seven-year management practice of under-reporting operational errors, but two years later Ms. Whiteman alleged that nothing had changed. The IG had been conducting a thorough investigation and we expect a report soon.

OSC has received disclosures from a former Flight District Standards Office manager, Gabriel Bruno, alleging that unqualified mechanics remain in the aviation industry because they have not been reexamined adequately. He and another whistleblower made closely related disclosures to us in 2003.

We referred these to the DOT, and the IG investigated, recommending that FAA reexamine mechanics certified by St. George Aviation and reporting that the FAA was taking steps to do so.

Mr. Bruno now alleges that despite FAA assurances, the public remains at risk. I, again, referred this matter to the U.S. DOT for investigation. It seems nothing has changed.

In December, I found a substantial likelihood that FAA aviation inspectors, Bobby Boutris and Douglas Peters, had disclosed wrongful conduct involving FAA's oversight of Southwest Airlines and several years of coverup by FAA of airline non-compliance. I ordered DOT to do a thorough investigation.

They disclosed, the whistleblowers disclosed that the FAA principal maintenance inspector for Southwest Airlines knowingly permitted aircraft to operate in an unsafe condition.

Higher management knew about what was going on and tried to keep Mr. Boutris from requiring Southwest's compliance with airworthiness directives. Southwest Airlines had self-reported it had not completed with an FAA airworthiness directive on fuselage crack inspection only after it became obvious that the whistleblower was going to catch them in the violation.

With the knowledge and approval of FAA officials, these aircraft remained in operation until overdue inspections could be accomplished. These inspections revealed fuselage cracks in the critical areas of the airworthiness directive.

Southwest flew 1,400 flights, approximately, with those fuselage cracks. So passengers were put at real risk for the convenience of the FAA and Southwest Airlines.

When we receive the reports on these investigations, we will transmit our findings and recommendations to the President and Congress. Still, to ensure the flying public is not at risk, we must determine if there are system-wide problems at the FAA. So I have three recommendations.

First, an expert commission should be established to investigate how the FAA could allow coverups that potentially endanger the flying public, investigate the complicity of the airline industry and recommend comprehensive reforms of oversight and airline safety.

Second, more audits and no-notice inspections should be done by a better financed and staffed U.S. DOT Inspector General. The IG has the independence and knowledge to ensure better oversight and compliance but needs more resources.

Third, wrongdoers and those who retaliate against them, against whistleblowers should receive real discipline to punish behavior, set the example and reassure the public that they are protected by effective oversight.

These proposals are justified and safety demands them. Otherwise, we may think we have caused things to change while they have, in fact, stayed the same or become worse.

Thank you.

Mr. OBERSTAR. Thank you very much, Mr. Bloch.

And now Mr. Sabatini.

Mr. SABATINI. Mr. Chairman.

Mr. OBERSTAR. Turn the microphone on. We want to hear every word.

Mr. SABATINI. Sorry about that. I have been here enough times. I should know about that button.

Mr. Chairman, Chairman Oberstar, Congressman Petri and Members of the Committee, I appreciate the opportunity to appear before you once again.

With me today is Jim Ballough, Director of the Flight Standards Service and Tom Stuckey, Manager of the Flight Standards Division in the Southwest region.

Today, I would like to put into context the truly disturbing incident that occurred last year when Southwest Airlines knowingly continued to fly passengers after they learned that they had overflown an airworthiness directive that required an inspection for cracks in the aircraft fuselage.

That an airline of Southwest's reputation would ever think that flying passengers in non-compliant aircraft was appropriate is astounding to me. Even more alarming and upsetting to me is that this was done with the implicit consent of one of my aviation safety inspectors.

I want to state at the outset and in the most unequivocal terms that it is never permissible for any airline to continue to operate commercial flights that are in non-compliance with an AD, and no one in the FAA, not the Acting Administrator, not me, not Jim, not Tom, has the authority to allow such operations. And, frankly, even if we did, none of us would allow it. It flies in the face of everything we stand for.

This is such a fundamental tenet of aviation safety that it is not surprising that the events of last year are receiving the amount of attention that they are today. I will not condone or defend anyone