

She called the FAA in Chicago which was their next stop. When that aircraft landed in Chicago, an inspector jumped on the aircraft, looked at it and found a six-foot crack and grounded the aircraft.

The next day that flight attendant was removed from duty by the airline. They knew who did it.

Don't let something like that happen to your hotline.

Now you say the low accident rate reflects success of our work, but how can the program be called a success when 1,400 flights occurred with cracks in the hull of those aircraft? That is reducing the margin of safety.

If you are looking at safety as a system, the system itself has cracks and they need to be fixed. I believe you have the public spirit to do that, but you are going to have to stand up to superiors as well just as those whistleblowers did this morning, stood up to their superiors at great risk, being removed from position, shifted out of duty, subjected to harassment.

We can't have a situation in which the customer calls the FAA, complaining about their service person, Mr. Boutris, to get him removed. That is intolerable, and I charge you with the responsibility to make sure that never happens again.

Mr. SABATINI. I accept that responsibility, Mr. Chairman, and I can assure you that I welcome review by this Committee any time—three weeks, six weeks, any time. I will deliver to you changes that will be made as a result of what we have learned as a result of this.

And let me for a moment address what I believe happened. What we have in place, because one of the witnesses said that I referred to a human risk that we identified. I would like to explain. We have processes in place to address how airlines are operated. We have a mirror image template so that inspectors can use it for the oversight. Those are processes.

What I feel is one of the risks that have been identified is a failure on the part of the human in terms of integrity. Humans are very much a part of everything we do, and we are putting in place a process that assures that if someone fails that integrity test I will find out about it and I will take swift and summary action, I can assure you, Mr. Chairman.

Mr. OBERSTAR. Thank you. We will hold you to that.

Mr. Petri?

Mr. PETRI. Thank you very much, Mr. Chairman. I would like to begin by asking Inspector General Scovel if he has any reactions or comments on the catalog of initiatives that Mr. Sabatini has mentioned in his testimony here today as a result of reviewing this whole situation.

Mr. SCOVEL. Thank you, Mr. Petri. Yes, I would, and I would like to address primarily what may be called the newest hot line or the newest communication channel. I don't want to denigrate it. I don't believe it would be prudent for me to preliminarily at this point, without data, cast doubt on any new communication channel. To the extent that it may help, even if only marginally, as Inspector General I would favor it; however, it begs the question, How will complaints similar to those raised by the panel this morning be investigated.

Mr. Sabatini has cast the SURS process as one where philosophical differences between inspectors and supervisors or different camps within a CMO might raise the question and have it resolved, yet I see all kinds of situations, like those that our panelists this morning addressed, that will perhaps come to Mr. Sabatini and others through the new process. Unless they are satisfactorily investigated, we are going to be back in the same situation we are today, with an insufficient investigation conducted on a catch as catch can basis within the aviation safety chain of command, and perhaps therefore suspect from the beginning as not being objective.

What our statement has proposed as an alternative is the creation of an independent investigative body still within FAA but certainly out of the aviation safety chain of command, so it would be removed from under Mr. Sabatini and Mr. Ballough.

We would suggest that FAA and the Congress consider marrying that up with the AOV system, which was created to handle safety complaints handled by air traffic controls. That was removed from the air traffic control organization and placed perhaps ironically under Mr. Sabatini. But in our experience with the investigative capabilities of that organization, we have been favorably impressed. However, if we were to marry the two of these up, we would suggest that it report directly at a much higher level than Mr. Sabatini or the air traffic organization.

There was talk earlier today of taking it out from under the control of a political appointee, and that would certainly be a point to merit consideration, as well.

Mr. PETRI. One practical thing with these hot line or other whistleblower, all these procedures, is that they can be abused. I mean, they can correct abuses, but they can also be used for all kinds of other hidden agendas or because of other disputes. So how do you separate the sheep from the goats? It seems to me there needs to be some willingness on someone when they use that mechanism that they are willing to stand behind. I mean, it should be secret. There shouldn't be retaliation. But on the other hand, they should be accountable for raising this and putting the systems through all this. Otherwise, someone like Mr. Sabatini has 101 things he has to rely on his team, and the next thing you know they are saying, well, this was looked into. So how do you make this work in practice?

Mr. SCOVEL. At times it can be very difficult, Mr. Petri. As an Inspector General, we have our own hot line, as well, and we run into that.

We have several categories of complaints. We have complainants who identify themselves by name and contact information, and that is always most helpful because we can get back to them and seek to substantiate the basis of the complaint. We have other complainants who may identify themselves but ask to remain confidential. And, finally, we have complaints that are submitted anonymously, and oftentimes those are the most problematic. They may lack detail and, because we don't even have a name or any way to contact the submitter, we are often at a loss.

In fact, the situation that you identified happened in this very case with regard to Mr. Boutris. You will remember from this

morning that it was the PMI who identified to Mr. Mills that an anonymous complaint from Southwest had been submitted against Mr. Boutris, and in partial response to that Mr. Boutris was removed from his inspector duties for a period of five months.

We have examined that particular complaint, and in my opinion as a former prosecutor and judge, and in the opinion of our investigators on my staff, we consider it baseless. There would have been good reason for FAA at the time not to have removed Mr. Boutris from his duties. The complaint was anonymous, it was non-specific, it related to supposed actions that had no connection to Mr. Boutris' performance of duties. I don't think any reasonable person after performing that kind of scratch and sniff test would have questioned FAA if they had decided to leave a competent, dedicated inspector like Mr. Boutris on the job. Instead, they took him off.

It is very much a problem. What do you do? How do you sort it out? All I can say is we apply common sense, good investigative expertise, and take it case-by-case.

Mr. COSTELLO. [Presiding]. The Chair thanks the gentleman.

Mr. Sabatini, tell us the current employment status of Mr. Gawadzinski, just very briefly. I have several questions that I want to ask, so be as brief as possible.

Mr. SABATINI. Mr. Gawadzinski is currently still employed. He has been removed from his duties as a supervisory principal maintenance inspector and has been placed in another office, still in the Dallas area, where he has been relieved of any responsibilities related to safety inspector duties.

Mr. COSTELLO. Under the rules of the Department, could you have suspended him with or without pay and relieved him of his duties under suspension?

Mr. SABATINI. As you know, Mr. Chairman, there are definite rules on what we need to do to put this case together.

Mr. COSTELLO. That is my question. My question is, Could you have suspended him with or without pay?

Mr. SABATINI. Not at this point in time, sir. This investigation is still open, and we want to gather all the evidence. The Office of the Inspector General is still conducting its investigation, and when that is complete I will have all the information I need to apply the full measure of the law.

Mr. COSTELLO. Is he the only employee at the FAA that disciplinary action was taken against thus far?

Mr. SABATINI. Thus far. That is correct, sir.

Mr. COSTELLO. And you heard the testimony of the whistleblowers. You heard the testimony of the IG, the Special Counsel. Surely you do not believe at this point that all of this falls on one employee at the FAA, do you?

Mr. SABATINI. No, sir, I do not believe that it is just one employee.

Mr. COSTELLO. I would like you to elaborate on that.

Mr. SABATINI. Well, I believe that there was a failure on the part of the leadership in the southwest region.

Mr. COSTELLO. In the southwest region?

Mr. SABATINI. Yes, sir.