

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.

Mr. COSTELLO. Let's get to the point. We know that back in 2003 through 2005 Mr. Boutris complained and said, Look, we know that there is compliance issues, and he raised those issues back as far as 2003. When did these issues reach your office headquarters in Washington, D.C.? When did you, not personally, but your office, become aware that issues have been raised concerning the CMO with Southwest?

Mr. SABATINI. May of 2007.

Mr. COSTELLO. May, 2007?

Mr. SABATINI. Yes.

Mr. COSTELLO. And when did you personally become aware of the issues, the safety issues that were raised by both Mr. Boutris and others?

Mr. SABATINI. Several months thereafter. I don't have an exact date, sir.

Mr. COSTELLO. So May of 2007 is when your office became aware of it, and you became aware of it several months thereafter? Why did it take so long for the FAA to take action either against one of your employees or assess the fine against Southwest? And it has been noted by the Chairman and others that the action was taken after this Committee started its investigation. So the question is, If you were aware of these issues back in your office in May of 2007, why did it take this Committee to get involved to begin an investigation for your agency to act against the airline and your employee S?

Mr. SABATINI. Well, Mr. Chairman, as I have looked at the data and what I have come to understand about this, for about two-and-a-half years before the disclosure there were many activities that were undertaken by the leadership in the FAA's southwest region.

Now, I can tell you, Mr. Chairman, I have been a division manager. This is not theory to me. I practiced for ten years as a division manager. In looking at what happened, the division manager in the flight standards division in the southwest region, elected to give the information he received in his office, and some time in early April, the investigation was turned over to the security division, which is separate and apart from my organization. It would result, in essence, in being a third-party review.

What I would have done differently was to not hand over the enforcement aspect of that investigation. What they had asked security to look at was the investigation of the impropriety of the individual supervisory principal maintenance inspector. I would have separated that out. We have the sole responsibility for the enforcement action and that should have been started immediately.

However, there were several months where the security division conducted its investigation, and it was during that period of time that both the results of the impropriety on behalf of an employee was investigated, as well as a slow review—I don't think it was intentionally slow—review of the enforcement process.

Mr. COSTELLO. You heard the testimony of, again, the whistleblowers. You heard the testimony of the IG and the special counsel regarding this CMT and the concern, Is this a systematic problem or is it isolated? I want you to comment on that.

Mr. SABATINI. Mr. Chairman, while evidence has not been given to me, although I asked for it, I have been told evidence doesn't

exist to document the fact that this is systemic. What I have been told is that it could potentially be systemic, and I take that very seriously.

So, while the evidence exists for the southwest region, I take that as a lesson learned and put in place what I have begun to describe in terms of the safety information recording system to assure that this doesn't happen anywhere else.

Mr. COSTELLO. I will have other questions after other Members have an opportunity to ask.

The Chairman now recognizes the gentlemen from Oregon, Mr. DeFazio.

Mr. DEFAZIO. Thank you, Mr. Chairman.

Let's go back to what I think is partially the root of this whole problem, which is the erosion of the mandate which we reset in 1996 to exclusively focus on safety to this customer service initiative, where regulated airlines became clients, which obviously is causing tremendous confusion among people who are supposed to be inspecting and regulating them.

Who initiated the customer service initiative? Where did that come from? Mr. Ballough, you are a political appointee. The first time I heard about it was a Secretary at a speech, but where did this come from? Who wrote it?

Mr. BALLOUGH. The customer service initiative, sir, was an AVS effort with all of the lines of business, all directors, from the respect of services in the AVS organization.

Mr. DEFAZIO. Well, you are using the language in all the lines of business.

Mr. BALLOUGH. Excuse me, sir. Let me clarify.

Mr. DEFAZIO. You are a Government agency.

Mr. BALLOUGH. Yes.

Mr. DEFAZIO. And you are supposed to be regulating in the public interest for public safety, and the law very clear in 1996.

Mr. BALLOUGH. Yes.

Mr. DEFAZIO. So could we address it as a Government agency, please.

Mr. BALLOUGH. Yes. The Agency took this initiative to address concerns and articulate rights for the industry, whoever they may be. It was intended to elevate a question, to get a right to an answer to a question that they would pose to us.

Mr. DEFAZIO. So the industry complained to whom? Was this initiated at the Secretary's level? At the White House level? Or did professional employees other than politicals come and say, We need this customer service initiative? Are you telling me it was professional employees?

Mr. BALLOUGH. This was in our safety organization, sir.

Mr. DEFAZIO. So the safety organization, line employees, at what level? Since you are saying it was within the organization and it was professionally generated, do you want to tell me about this, Mr. Sabatini? Where did this come from?

Mr. SABATINI. Well, Mr. DeFazio, first let me say Jim Ballough is not a political appointee, he is a career service employee.

Mr. DEFAZIO. I am sorry. I forgot. I thought he was political.

Mr. SABATINI. Sir, I would like—