conserve 145 gallons of gasoline, and avoid 50 hours of gridlock traffic. Congress should be a better partner by supporting community efforts to provide these alternatives.

While our options to lower gas prices are limited, this bill recognizes that we can provide immediate relief from high gas prices by providing them choices.

PERSONAL EXPLANATION

HON. SUSAN A. DAVIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 15, 2008

Mrs. DAVIS of California. Madam Speaker, due to a travel complication beyond my control, I regretfully was unable to vote on three items of legislation before the House on July 14, 2008. My flight from San Diego, California was cancelled. I did not arrive to Washington, DC, until past the legislative hour.

I would have voted ''yea'' on each of the three bills before the House Monday. They are as follows:

(1) H. Res. 1067—Recognizing the 50th anniversary of the crossing of the North Pole by the USS *Nautilus* (SSN 571) and its significance in the history of both our Nation and the world.

(2) H. Res. 1080—Honoring the extraordinary service and exceptional sacrifice of the 101st Airborne Division (Air Assault), known as the Screaming Eagles.

(3) H. Con. Res. 297—Recognizing the 60th anniversary of the integration of the United States Armed Forces.

A BILL TO ENHANCE THE SAFETY OF THE U.S. PASSENGER AIR TRANSPORTATION SYSTEM

HON. JAMES L. OBERSTAR

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 15, 2008

Mr. OBERSTAR. Madam Speaker, the bill which Congressman MICA, Congressman COSTELLO, Congressman PETRI and I are introducing today is a first legislative step in reversing the complacency over safety regulation that has set in at the highest levels of the Federal Aviation Administration, FAA.

This legislation is not a silver bullet that will produce a comprehensive solution to problems that have been developing for years, Rather, the legislation deals with several issues that are ripe for action, following an investigation by the Office of Inspector General of the Department of Transportation, DOT IG, and a rejection of some of the DOT IG's recommendations by FAA.

I expect that we will have additional legislation after completion of the comprehensive investigations now underway by the DOT IG, FAA's own special committee, and Congress.

We must also bear in mind that legislation can only go so far in solving the problem. What is most needed is a change in attitude by FAA. Without that change, there will only be grudging, limited compliance with the best designed legislation reforms. If, on the other hand, there is a change in attitude, FAA can use its existing authority to make most of the improvements that are needed.

Madam Speaker, on April 3, the Committee on Transportation and Infrastructure held a hearing that detailed major shortcomings in the FAA's safety oversight of the aviation industry. Our investigation found that one air carrier, with FAA complicity, had allowed at least 117 of its aircraft to fly with passengers in violation of Federal Aviation Regulations, amounting to the most serious lapse in safety I have been aware of at the FAA in the past 23 years. Our investigations led to the discovery of other instances in which inspections were not properly conducted or repairs were not properly made. To ensure safety, it was necessary to ground several hundred airplanes for inspections, resulting in thousands of cancelled flights, and raising serious questions about whether high-ranking officials in the FAA are carrying out their safety responsibilities for the entire industry. Since that April 3 hearing, our investigative staff has been contacted by many other individuals alleging serious breakdowns in FAA's regulatory oversight.

As a result of our hearing, it was clear to me and many of my colleagues that FAA needed to rethink its relationship with the airlines and the other aviation entities that it regulates and be more active in enforcing regulations. There has been a pendulum swing at FAA, away from vigorous enforcement of safety regulations towards a carrier-favorable cozy relationship. That opinion is shared by the DOT IG, as well.

On June 30, 2008, the DOT IG issued a report, Review of FAA's Safety Oversight of Airlines and Use of Regulatory Partnership Programs, noting that it had made several recommendations to the FAA to strengthen its national oversight of air carrier safety. Importantly, the DOT IG recommended that the FAA periodically rotate its flight standards safety inspectors and establish an independent investigative organization to examine safety issues identified by FAA employees. In its response to the DOT IG recommendations, the FAA stated that it did not concur with the recommendation to rotate inspectors and only partially agreed to implement the recommendation to establish an independent organization to investigate FAA employee complaints.

On employee complaints, the FAA's response has been to implement a Safety Issues Report System, SIRS. This process largely duplicates existing hot-lines and does not provide for an independent review outside of FAA's Aviation Safety Organization, which has a long record of not responding adequately to complaints. I find the FAA's response to this very important recommendation to be wholly inadequate.

As the DOT IG aptly stated in its safety report:

> FAA's response is unacceptable. Although FAA stated that it partially agreed with our recommendation, the actions taken do not demonstrate a commitment on FAA's part to address the root causes of the issues we identified. Our work at SWA and NWA identified serious weaknesses in FAA's process for conducting internal reviews, ensuring corrective actions, and protecting employees who report safety concerns. In our view, SIRS merely adds one more process to an already existing internal reporting process within the Aviation Safety Organization that is unequivocally ineffective and possibly even biased against resolving root causes of serious safety lapses.

The FAA's refusal to embrace the DOT IG's recommendation in this regard demonstrates a ''business as usual'' approach to safety. In addition, many FAA aviation safety inspectors have subsequently contacted our Committee and provided evidence of retaliation against them by their local FAA management when they attempt to elevate safety concerns to higher levels of management. FAA is reluctant to investigate whistleblower concerns. The FAA management responsible for safety appears to face an inherent conflict-of-interest when faced with charges of failure in regulatory oversight.

That is why this bill creates an independent Aviation Safety Whistleblower Investigation Office within the FAA, but independent of the Aviation Safety Organization. The Director of the new Office would be charged with receiving safety complaints and information submitted by both FAA employees and employees of certificated entities, investigating them, and then recommending appropriate corrective actions to the FAA. The FAA is directed to respond to the Director's recommendations in writing, including details of any corrective actions taken. Importantly, the bill ensures the Director's independence and protects the identities of employees providing safety information.

In addition, the bill addresses the DOT IG's recommendation to periodically rotate supervisory inspectors to ensure objective FAA air carrier oversight. FAA has not been willing to implement this recommendation. This bill would require that the FAA rotate principal maintenance inspectors between airline oversight offices every 5 years. This will serve as at least a partial countermeasure to ensure that a ''cozy relationship'' does not develop between the regulators and the regulated. In addition, the bill would establish a 2-year ''post-service'' cooling off period for FAA inspectors and supervisors before they are allowed to go to work for the airlines they have been overseeing.

During our April 3 hearing, I was shocked to learn that in its mission statement for aviation safety, FAA has a ''vision'' of ''being responsive to our customers and accountable to the public.'' This suggests that FAA regards the airlines and other companies it regulates as its ''customers.'' This approach is seriously misguided. The ''customers'' of FAA safety programs are the persons who fly on the airplanes FAA regulates. FAA's bedrock responsibility is to ensure that these ''customers'' travel safely. To ensure that passengers remain FAA's number one ''customer,'' the bill directs the FAA to modify its customer service initiative, mission and vision statements to remove references to air carriers or other entities regulated by the Agency as ''customers'' and to clearly state that in regulating safety the only ''customer'' of the Agency is the American traveling public.

Madam Speaker, there is overwhelming evidence in the recommendations, findings and statements of the DOT IG, the Office of Special Counsel, and the very brave FAA whistleblowers that brought these critical safety lapses to our attention that change is sorely needed at the FAA to improve safety. This bill provides a critical first step. We must prod the FAA to again make safety the number one priority and to keep the American public safely flying.

Madam Speaker, this bill is just a start. It will not address all of the issues, because to