



U.S. Office of Special Counsel
1730 M Street, N.W., Suite 218
Washington, D.C. 20036-4505

U.S. Office of Special Counsel Finds Secretary of Transportation Failed to Respond to Aviation Safety Allegations

FOR IMMEDIATE RELEASE

CONTACT: Darshan Sheth
(202) 254-3617; dsheth@osc.gov

WASHINGTON, D.C./July 30, 2009—The U.S. Office of Special Counsel (OSC) today transmitted to the President and Congress information concerning a whistleblower disclosure that OSC referred to the Secretary of Transportation more than one year ago pursuant to 5 U.S.C. § 1213(c). OSC advised the President and Congress in its transmittal that the Secretary of Transportation failed to submit a report of the agency's investigative findings and any corrective action taken, as required under the law.

The July 8, 2008, referral to the Honorable Mary E. Peters, former Secretary of Transportation, sets forth serious allegations made by an Aviation Safety Inspector with the Department of Transportation (DOT), Federal Aviation Administration (FAA), concerning non-compliant and potentially unsafe modifications made to hundreds of emergency service helicopters operating across the country, and FAA's alleged failure to appropriately address this problem. Based on the disclosure, OSC found a substantial likelihood that FAA officials and employees engaged in a violation of law, rule, or regulation, gross mismanagement, and an abuse of authority, all of which contributed to a substantial and specific danger to public safety.

Under 5 U.S.C § 1213(c), the Secretary of Transportation was required to conduct an investigation of the allegations and submit a written report to OSC, setting forth DOT's findings and any corrective action taken, within 60 days of receiving OSC's transmittal or within any longer period of time agreed to by OSC. OSC granted DOT numerous extensions of time over a period of more than twelve months. During this time, OSC was advised by DOT that FAA completed an initial investigation in August 2008 and provided a report to DOT's Office of Inspector General (OIG) for review in September 2008. In October 2008, OIG responded to FAA with a report outlining OIG's questions, concerns and recommendations for further investigation by FAA. Late last month, FAA submitted a supplemental report to OIG. Despite the extensions granted, and OSC's notice to DOT that the last extension granted was final, the Secretary has not submitted the required report. Rather, on the date the report was due, DOT requested an additional 60-day extension of time. In light of the serious nature of the safety allegations and the length of time that has passed, OSC concluded that it is no longer in the public interest to grant further extensions of time in this matter.

When OSC determines that the information disclosed establishes a substantial likelihood of a violation of law, rule, or regulation, gross mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety, it is required to refer the matter to the agency involved and the agency is required to conduct an investigation and report on its findings and what actions, if any, it plans to take. After receiving the agency's report, OSC determines whether the report contains all of the information required by the statute, and whether the findings appear to be reasonable. Copies of the report, along with any comments on the report from the person making the disclosure and any comments or recommendations by OSC, are transmitted to the President and the appropriate congressional oversight committees. Unless classified or prohibited from release by law or by Executive Order requiring that information be kept secret in the interest of the national defense or the conduct of foreign affairs, a copy of the report and any comments are then placed in a public file maintained by OSC. When OSC does not receive a report from the head of the involved agency, OSC is required to transmit a copy of the information that was referred to the agency to the President and the appropriate congressional oversight committees, together with a statement noting the failure of the head of the agency to file the required report.

A copy of the transmittal to the President has been placed in OSC's public file and is now available online at www.osc.gov.

-END-

The U.S. Office of Special Counsel (OSC) is an independent investigative and prosecutorial agency and provides a secure channel for federal whistleblowers to disclose violations of law, rule or regulation, gross mismanagement, gross waste of funds, abuse of authority, or a substantial and specific danger to public health and safety. OSC's primary mission is to safeguard the merit system in federal employment by protecting federal employees and applicants from prohibited personnel practices, especially retaliation for whistleblowing. OSC also has jurisdiction over the Hatch Act. For more information please visit our web site at www.osc.gov or call (202) 254-3600.