

Congress of the United States
House of Representatives
Washington, DC 20515-1604

November 9, 2011

The Honorable Leon Panetta
Secretary of Defense
1000 Defense Pentagon
Room 3E880
Washington, DC 20301-1000

Dear Secretary Panetta,

As you know, the United States Air Force (USAF) is in the final stage of a competitive selection for a new fleet of Light Air Support (LAS) Counter Insurgency (COIN) aircraft for the Afghanistan National Army Air Corps. It has been widely reported that the competition is between the Hawker-Beechcraft AT-6B and the Embraer Super Tucano, so I took particular notice of the recent disclosure from Embraer that it is under investigation for violating the Foreign Corrupt Practices Act (FCPA). Given the seriousness of these allegations, I respectfully request that you involve yourself in this matter and keep me fully informed.

On November 3rd, Embraer issued a statement disclosing it was the subject of an ongoing FCPA investigation by the Department of Justice and the Securities and Exchange Commission. Embraer's disclosure cited investigations related to transactions in three separate countries and said that Embraer is unable to predict duration, scope or results of the investigation.

On November 4th, Embraer Chief Executive Frederico Curado said the investigation in itself shouldn't affect its ongoing bid to sell the Super Tucano aircraft to the USAF. Mr. Curado said he expects the government to announce a decision within "weeks" on a contract reportedly valued at \$1.5 billion. "This is a new process for us but as far as we understand it, the investigation won't have an impact," he said in a conference call with journalists. "Restrictions in dealings with the U.S. government would come only after a conviction."

Given the international visibility and significant monetary value of this contract, I hope you will take the necessary time to fully understand the details of this charge. It is absolutely essential the Department of Defense makes the right acquisition decision. Please keep me informed and notified regarding the award decision for the LAS fleet.

Thank you for your attention to this matter.

Sincerely,

A handwritten signature in blue ink that reads "Mike Pompeo". The signature is written in a cursive, flowing style.

Mike Pompeo
Member of Congress

CC: The Honorable Michael B. Donley, Secretary of the Air Force
General Norton A. Schwartz, Chief of Staff of the Air Force
The Honorable David M. Van Buren, Assistant Secretary of the Air Force for
Acquisition (SAF/AQ)