



U.S. OFFICE OF SPECIAL COUNSEL

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November 5, 2009

The President
The White House
Washington, D.C. 20500

Re: OSC File No. DI-08-0338

Dear Mr. President:

The Office of Special Counsel (OSC) received a disclosure from Gabriel D. Bruno, a former Manager at the Department of Transportation (DOT), Federal Aviation Administration (FAA), Orlando Flight Standards District Office, Orlando, Florida. Mr. Bruno alleged that the FAA failed to provide a list of Airframe and Powerplant (A & P) mechanics, who received fraudulent certifications and have either failed or not completed the mechanic reexamination process, to the intelligence community for national security screening. These mechanics received fraudulent certifications from the now defunct FAA-designated mechanic examiner, St. George Aviation (SGA).¹ Mr. Bruno alleged that this failure created a security vulnerability that left the aviation industry open to terrorist activity.

Mr. Bruno's allegation was referred to the Honorable Ray LaHood, Secretary of Transportation, to conduct an investigation pursuant to 5 U.S.C. § 1213(c) and (d) on April 9, 2009. Secretary LaHood submitted the agency's report on June 29, 2009. The report acknowledged that the DOT Office of Inspector General previously recommended to FAA that it compile and provide to the Transportation Security Administration (TSA) a screening list of A & P mechanics who failed or have not completed the reexamination process.² However, FAA declined to do so because of the Privacy Act. Secretary LaHood explained that FAA has reconsidered its position and transmitted the list to TSA on May 19, 2009. A copy of the transmittal letter was included in the agency's report.

Mr. Bruno submitted comments on the agency's report. He found the report to be "completely unresponsive" to his national security concerns and part of an "intentional cover-up." Mr. Bruno raised additional issues beyond the scope of the instant referral.

¹ SGA was an FAA-designated mechanic examiner in Sanford, Florida, authorized to administer FAA's A & P mechanic exam and issue A & P mechanic certificates. In May 1999, following a DOT Office of Inspector General (OIG) investigation, the owner and an employee of SGA were convicted of fraud and conspiracy in relation to their administration of the A & P mechanic exam and issuance of certificates. OIG recommended, and FAA committed to reexamining all individuals who received certificates from SGA between October 1995 and December 1998.

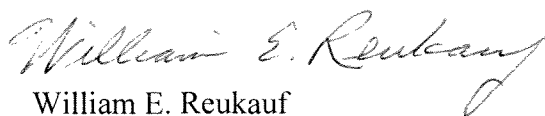
² This recommendation was made in response to an informal referral by OSC to the DOT OIG. That informal referral also encompassed other issues that are not addressed in this matter, including that the name of one of the A & P mechanics was the same name as one of the 9/11 airline hijackers. The DOT OIG concluded that the mechanic was not the same person as the hijacker. Mr. Bruno questioned this finding in his comments.

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OSC has reviewed the original disclosure, the agency's report, and the whistleblower's comments. Based on that review, OSC has determined that the agency's report contains all of the information required by statute and its findings appear to be reasonable.

As required by law, 5 U.S.C. § 1213(e)(3), OSC has sent copies of the report to the Chairmen and Ranking Members of the Senate Committee on Commerce, Science, and Transportation and the House Committee on Transportation and Infrastructure. OSC has also filed copies of the agency's report and Mr. Bruno's comments in our public file and closed the matter. OSC's public file is now available online at www.osc.gov.

Respectfully,



William E. Reukauf
Associate Special Counsel

Enclosures