

October 27, 2009

Catherine McMullen  
Karen Gorman  
Disclosure Unit  
U.S. Office of Special Counsel  
1730 M Street NW  
Washington, D.C. 20036

**Re: *Bruno Comments to OSC DI-08-0338***

Dear Ms. McMullen and Ms. Gorman:

My disclosures of national security concerns to the Office of Special Counsel are rooted in the St. George criminal case that was prosecuted by the Department of Transportation, Office of Inspector General. The specifics of the St. George's criminal enterprise and the FAA's multiple failures to properly address and correct the aftermath are documented in my OSC file numbers DI-02-1869 and DI-07-2350.

The June 29, 2009 letter from DOT Secretary Ray LaHood to William E. Reukauf, Acting Special Counsel is completely unresponsive to the national security concerns I have raised and utterly dismissive of any attempt for the accountability of those who have violated the public trust and continue to create a danger to the public. According to Secretary LaHood because the FAA has "reconsidered" its objection to providing the Transportation Security Administration with a list for screening purposes of A&P mechanics certified by St. George Aviation who failed or did not complete the re-examination process, he does not intend to further investigate. The FAA's intentional cover-up of this national security information will remain unexamined, despite the unanswered questions and continuing threat to national security through our aviation infrastructure.

The Department of Transportation's move to evade responsibility for the failure to screen licensees of St. George Aviation for national security threats is deeply flawed. Secretary LaHood's June 29, 2009 letter states that, ". . . FAA has reconsidered its position and has determined that the list may be released to TSA as a routine use under the Privacy Act." After eight years of suppressing national security information the FAA has "reconsidered" and now TSA will be handed the burden of the FAA's irresponsibility. This shift of responsibility is flawed because it entirely relieves the FAA of any accountability for the years of malfeasance and deliberate neglect. So that whistleblowing disclosures can make a difference, under 5 USC §1213 the agency must report both on corrective action for structural breakdowns, and personal accountability. If the eight year security breach persisted because of weaknesses in procedures, the Secretary has a responsibility to see that they are corrected. If adequate procedures were violated, the Secretary has a responsibility to impose accountability.

So far the Secretary has abdicated on both duties to address causes. That means there is no basis for confidence that America's transportation security will not be breached again, and again. This is illustrated by notable weaknesses in the existing vetting system between the FAA and TSA that currently are being questioned by the U.S. Senate. For instance, according to recent major media news reports about criminals still in possession of their FAA certificates (attached), one analyst stated, "This is a serious, egregious situation that these national security risks have not been identified by the TSA/FAA. They are using their aviation certification to facilitate their criminal activities. Their licenses are integral to the crimes."

The U.S. Senate Committee on Commerce, Science and Transportation issued an August 13, 2009 letter to FAA Administrator Babbitt and TSA Acting-Administrator Rossides "requesting information regarding the coordination efforts by the Transportation Security Administration (TSA) and the Federal Aviation Administration (FAA) to vet Airman Certificates within the federal government. Recent press reports identified apparent weaknesses in the existing vetting system that allowed individuals representing potential national security threats to retain their airman licenses despite the enactment of laws that require the suspension or revocation of Airman Certificates for such individuals."

The failure is compounded by the arrogant behavior of FAA top management and the culture of malfeasance it breeds. Recently, during a Congressional hearing on April 3, 2008, top FAA management Nicholas Sabatini, James Ballough and Tom Stuckey gave misleading testimony to Congress (attached). The obvious question is how deep does this malfeasance go in this organization. Further, it bears the question of whether the FAA provides misleading information to the Office of Special Counsel to cover up its knowledge and complacency of the national security threats stemming from the FAA mishandling of the St. George Aviation recertification program.

### **Material Facts**

The following facts are material to my comments:

- On May 15, 1997, Saeed Hamid AlGhamdi was issued an FAA mechanic's certificate by the St. George criminal enterprise. He provided an address of P.O. Box 167 CC 801, Jeddah, Saudi Arabia. The exact address he provided was used by a number of other individuals when obtaining FAA certificates from St. George. A partial list of St. George-issued FAA certificates indicated at least fifty-two middle-eastern nationals who had provided forty-three foreign addresses, which included twenty-nine post office boxes.
- In 1999, FAA Designated Mechanic Examiner Anthony St. George was convicted of selling FAA certificates without providing proper testing and he was sentenced to two and a half years in federal prison. (Details in DI-02-1869)

- Despite the fact that FAA upper management was receiving warnings of terrorist activity, that information was never shared with field office managers. As the manager of one of the largest Flight Standards offices in the world, and home to the largest area of flight-training activity in the world, I was not given the opportunity to engage a substantial inspector work-force to evaluate potential suspect flight training activity.
- In May 2001, Associate Administrator for Aviation Safety, Nicholas Sabatini, ordered the cancellation of the program that was tracking down and retesting the individuals who had obtained FAA certificates from Mr. Anthony St. George.
- An individual by the name of Saced Hamid AlGhamdi was identified as being one of the 9/11 hijackers.
- In June 2002, having exhausted all lines of authority within the FAA, I made formal safety disclosures to OSC concerning the FAA's premature cancellation of the St. George Retesting Program.
- In 2004, a full three years after the FAA's cancellation of the St. George retesting program, the DOT and OSC supported my allegations and ordered the FAA to resume St. George retesting. It is significant that during this three-year period of time, while my whistleblower disclosures were being examined, the FAA took no corrective action and this became a "cold case."
- In 2004, after being ordered to resume retesting, the FAA sent notification letters to the St. George certificate-holders, including Mr. AlGhamdi, that they were required to present themselves to be retested. The FAA reports receiving no response from Saeed Hamid AlGhamdi.
- On November 2, 2007, when I was given a partial list of the St. George certificate holders, I immediately notified OSC that the name Saeed Hamid AlGhamdi was on that list.
- On November 8, 2007, OSC notified me that they had forwarded my concerns to the DOT asking for assistance in determining whether the substantial likelihood requirement for investigation had been met.
- On April 9, 2009, OSC notified me that they had made the substantial likelihood determination and had given DOT Secretary sixty days to conduct an investigation. Apparently, in the intervening year and a half since OSC had requested DOT assistance, the FAA admitted that when they were ordered to resume testing in 2004, a letter was sent to Mr. AlGhamdi; however, he did not respond, and the FAA made no further attempts to contact him until May 2008. A period of four years had gone by with the FAA taking no action to investigate a name that was identified on the 9/11 hijackers list.

- In July 2008, FAA issued an Emergency Order of Suspension for Mr. AlGhamdi's certificate. In August 2008, his certificate was surrendered to the FAA. The FAA gives no indication that this certificate was surrendered in person or by mail.
- The FAA also tries to assert that this individual is a different Saeed Hamid AlGhamdi; however, they offer neither proof nor explanatory basis for this conclusion, and the record of due diligence on the part of the FAA post-9/11 to follow up on these fraudulently obtained certificates is abysmal. The FAA did not share this list of suspect licensees with any U.S. agency with national security responsibility.

### **Unanswered Questions**

After eight years, the FAA's resolution still is materially incomplete. The following national security questions remain unanswered, ignored by the FAA. The OSC should require answers as a prerequisite for completion of the FAA's investigation and response:

- Are the number and percentage of foreign nationals on the St. George list consistent with the number and percentage of foreign nationals certified at other testing centers in Florida and throughout the United States?
- Did the FAA make any determination that the individuals who received fraudulent certifications from St. George Aviation posed any potential national or homeland security threat? Please provide any documents or records relevant to such a determination.
- During the investigation of the 9/11 attacks, it was discovered that many of the hijackers traveled to Central Florida for flying lessons. Did the FAA conduct any review to determine if St. George certificates were issued to any individuals with links to terrorism or other suspected terrorists? If so, what was the outcome of this review: If not, why not?
- Did the FAA contact the Justice Department or any law enforcement agency for assistance in reviewing the list of individuals tested by St. George Aviation for suspected links to terrorism? If so, please provide a copy of these communications.
- Did the FAA forward the St. George list to the Department of Justice or any other law enforcement agency? If so, please provide a copy of these communications. If not, why not?
- What steps, if any, were taken by the FAA to mitigate any security concerns raised by this matter during the years (2001- 2004) in which the FAA was conducting no reexaminations or any other follow-up with the individuals on this list?
- Did the FAA provide the St. George list to the 9/11 Commission in response to Commissions inquiries or requests during its investigation of the 9/11 attacks? If so, please provide this communication. If not, why not?

- Did the FAA put in place any process to prioritize locating and contacting the foreign nationals included on this St. George list? If so, what was the outcome of this effort? If not, why not?
- Did the FAA notify U.S. air carriers and/or airports prior to or after the 9/11 attacks about any heightened risk due to this issue? If so, please provide any relevant communications. If not, why not?
- Has the FAA been unable to contact, locate, and/or process any of the individuals on the list who have an overseas P.O. Box listed as their address?
- What procedures and requirements are in place now to prevent the certification of known or suspected terrorists with U.S. aviation licensure? What changes, if any, have been made since the 9/11 attacks to increase monitoring of the Designated Examiner System (DME, DPE, etc.) to ensure that potential terrorists are not exploiting it?

I urge the OSC to forward these unanswered questions to the FAA to answer. Genuine accountability will not allow the FAA to avoid responsibility and investigation for an eight year failure to screen a certain segment of St. George Aviation licensees for national security concerns. The traveling public deserves more from the government agency tasked to ensure its safety. Please contact me with any additional questions or clarifications.

Sincerely,

Gabriel D. Bruno

CONFIDENTIAL

August 11, 2009

Mr. J. Randolph Babbitt  
Administrator  
Federal Aviation Administration  
800 Independence Avenue, SW  
Washington, DC 20591

Ms. Gale D. Rossides  
Acting Administrator, TSA  
U. S. Department of Homeland Security  
61 South 12<sup>th</sup> Street  
Arlington, VA 20598

Dear Administrator Babbitt and Acting Administrator Rossides,

We are writing to request information regarding the coordination efforts by the Transportation Security Administration (TSA) and the Federal Aviation Administration (FAA) to vet Airman Certificates within the federal government. Recent press reports identified apparent weaknesses in the existing vetting system that allowed individuals representing potential national security threats to retain their airman licenses despite the enactment of laws that require the suspension or revocation of Airman Certificates for such individuals.

We have been informed that a recent interagency agreement between the TSA and FAA established a new process under which the TSA would assume responsibility for conducting security threat assessments of Airman Certificate holders. It is our understanding that both agencies are working with other components of the Administration on a cross-agency "action plan" to reevaluate the needs of the existing vetting system and determine where improvements can and should be made. We are also interested in any efforts by the Administration to incorporate the use of biometric identifiers in either Airman Certificate or Watch List databases, and would like to be kept apprised of any consideration given to reassessing which Watch Lists the TSA vets against Airman Certificates.

Please keep us informed of the results of the cross-agency action plan, which your agencies have scheduled for completion within 90 days of being initiated, and any changes that you are implementing to the Airman Certificate vetting process as they are phased in by your agencies.

Sincerely,



John D. Rockefeller IV  
Chairman



Kay Bailey Hutchison  
Ranking Member



Byron L. Dorgan  
Subcommittee Chairman



Jim DeMint  
Ranking Member

**The New York Times**

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August 19, 2009

## Fugitive Still Licensed to Fly by the F.A.A.

By MATTHEW L. WALD

WASHINGTON — The Federal Bureau of Investigation is offering a \$50,000 reward for a Seattle man it says is a domestic terrorist. But that has not kept him from keeping his pilot's license or from trying to sell his airplane online, apparently because the Transportation Security Administration has not compared the F.B.I.'s wanted list with the Federal Aviation Administration's list of licensed pilots.

The pilot, Joseph Mahmoud Dibee, 31, was indicted with 10 other people in January 2006, in Eugene, Ore., on charges that they committed arson, destroyed an electric tower and other acts of domestic terrorism. Credit for those acts and others were claimed by two groups, the Animal Liberation Front and the Earth Liberation Front.

The F.B.I. says Mr. Dibee may have fled to Syria.

According to [F.A.A.](#) records, Mr. Dibee still owns a single-engine airplane, a 1977 Grumman/American Cheetah. He is also trying to sell the plane on the [Internet](#) for \$39,000.

The New York Times learned that Mr. Dibee still has his license and his plane from a database processing company, [Safe Banking Systems](#), which in June released the names of six other people with F.A.A. licenses who had been charged or convicted of terrorism crimes or otherwise were considered a threat to national security.

After the names were released, the Transportation Security Administration suspended the six licenses and said it would take steps to weed out other pilots who posed security risks from among the nearly four million names in the F.A.A.'s public database.

Last week, the Democratic and Republican leaders of the Senate Commerce Committee and its aviation subcommittee sent a letter to the Transportation Security Administration and the F. A. A. asking whether the two agencies were reconsidering which lists to use to match against the list of pilots. The letter referred to "apparent weaknesses in the existing vetting system."

The Transportation Security Administration did not provide details on whether it is doing anything different since the disclosure of the six cases.

Laura J. Brown, a spokeswoman for the F.A.A., which rescinds licenses when told to by the Transportation Security Administration, said her agency had, in fact, revoked "several" licenses since June, though she declined to say how many.

The Transportation Security Administration has been hampered in identifying some individuals because of variations in how their names were transliterated from Arabic. For example, the list that Safe Banking Services published in June included the man in prison for blowing up Pan Am 103 over Lockerbie, Scotland, in 1988. The man, who at the time was a licensed aircraft dispatcher, was listed on his F.B.I. wanted poster as Abdel Basset Ali Al-Mcgrahi, but by the F.A.A. as Abdelbaset Ali Elmegrahi.

But Mr. Dabee was born in Seattle, and the F.B.I. poster and F.A.A. records spelled his name the same way and had the same birthday for him, Nov. 10, 1967.

With such a straightforward match, David M. Schiffer, president of Safe Banking Systems, said it was "highly unlikely" that, despite assurances in June, the Transportation Security Administration was matching the publicly available F.B.I. list with the publicly available F.A.A. list.

Through Ms. Brown, the F.A.A. spokeswoman, the Transportation Security Administration said it could not comment on specific cases because it might "jeopardize ongoing investigations and/or violate the privacy rights of the individual." Ms. Brown did not elaborate.

The Transportation Security Administration said that while it did not routinely consult the F.B.I. wanted list, it used "a more robust list that incorporates the F.B.I. list, as well as many other lists." The agency said that it "continuously assesses vetting performance and adjusts its vetting engines accordingly."

Congress created the Transportation Security Administration, making it part of the Homeland Security Department and responsible for reviewing the list of people holding F.A.A. licenses, after the attacks of Sept. 11, 2001, when the F.A.A. was stripped of most security responsibility.

The four senators who sent a letter to the Transportation Security Administration and the F.A.A. last Friday were John D. Rockefeller IV, Democrat of West Virginia and chairman of the Commerce Committee; Kay Bailey Hutchison of Texas, the committee's ranking Republican member; Byron L. Dorgan, Democrat of North Dakota and chairman of the aviation subcommittee; and Jim DeMint of South Carolina, the subcommittee's ranking Republican member.

The letter said the two agencies had agreed to a 90-day plan to improve their performance.

According to officials familiar with current procedure, the F.A.A. checks daily for changes to the Transportation Security Administration's No-Fly List and Selectee Flight List, and matches that against the list of licensed pilots; and once a week, the names of new student pilots are checked against those lists. But the quality of those lists is not clear.

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## Con Air: Convicted Drug Kingpin, Arms Smugglers Keep Licenses to Fly in the U.S.

Federal Agencies Fail to Revoke Licenses of Potential Security Risks

By ERIC LONGABARDI and JOSEPH RHEE  
EXCLUSIVE

Oct. 9, 2009 —

A notorious drug kingpin, a convicted arms trafficker and several other individuals linked to aviation-connected crimes continue to hold FAA pilots licenses, according to an analysis of the FAA data base made available to ABCNews.com

The cases call into question the ability of the FAA and the Transportation Security Agency (TSA) to detect and purge high risk individuals from the list of approved pilots. After 9/11, the TSA was charged with alerting the FAA of individuals posing a threat to "transportation and national security."

"Evidently from the results we found, I don't think they are doing an adequate job," said David Schiffer of Safe Banking Systems (SBS), a New York computer security firm run by Schiffer and his son Mark. They say they uncovered the cases by cross-checking the FAA's public data base with information on suspect individuals.

### 'Al Capone of Peru'

Among the cases that SBS discovered was that of a well-known drug kingpin, Fernando Zevallos Gonzalez, called the "Al Capone of Peru" by the U.S. Drug Enforcement Agency. Gonzalez, who founded the largest airline in Peru, was indicted by a federal grand jury in Miami on drug related charges in 2007 and is currently in prison in Peru following his conviction on drug trafficking and money laundering charges in that country.

Zevallos' airline was stripped of its license to fly in the U.S. in 2004. Yet somehow Zevallos was able to keep his own individual aviation license, issued in 1992, even though FAA regulations specifically list "drug kingpin activity" as grounds for emergency revocation of a license.

The government apparently failed to cross-check the FAA's list of approved pilots with other federal watch lists. Zevallos has been on a black list of foreign drug kingpins since 2004 and his associates and network of aviation companies are also on a special watch list setup by the Treasury Department's Office of Foreign Assets Control (OFAC).

### FAA License

Among the individuals named on the OFAC watch list is Enrique Canaval Landazuri, described as a "close business associate" of Zevallos. Like Zevallos, Canaval Landazuri also still has his FAA license.

issued in 2007.

"I can't understand why the license wasn't revoked when Federal laws dictate that they do," said Schiffer. "The FAA is potentially violating the Kingpin Act."

Pedro Benavides Natera was convicted in 2006 for purchasing planes that were to be used for drug trafficking between South America and the United States. Natera is currently in federal prison in Miami and is not expected to be released until 2012, yet still remains on the FAA's list of active license holders.

In another case, Romulo Alfredo Martinez, a former Venezuelan Air Force Officer, pleaded guilty to federal weapons trafficking charges in 2003 after trying to fly shipments of arms from the U.S. to rebels in Columbia. Martinez spent time in a U.S. federal prison and was released in 2005. As of today he still has his pilot's license, first issued to him in 1993. Co-defendant Gerald Morey was also convicted of federal arms trafficking violations for his role in the scheme; like Martinez, Morey is still licensed to fly by the FAA.

"This is a serious, egregious situation that these national security risks have not been identified by the TSA/FAA," said Schiffer. "They are using their aviation certification to facilitate their criminal activities. Their licenses are integral to the crimes."

While the TSA declined to respond specifically to the cases uncovered by Safe Banking Systems, spokesperson Sterling Payne said the TSA and the FAA "work closely together to screen the nearly 4 million FAA certificate holders to keep the American people safe."

According to Payne, the TSA this summer conducted a thorough review of the FAA list of licensed pilots, comparing names against the FBI's Terrorist Screening Database. Payne did not mention whether the TSA used other federal lists, such as the OFAC list, saying that "our efforts are focused on identifying potential terrorists looking to harm the flying public."

### **Questionable FAA Records?**

A previous investigation by Safe Banking Systems, reported earlier this year by the *New York Times*, uncovered the names of six people with FAA licenses who had been charged or convicted of terrorism-related crimes or were otherwise considered a security risk. The TSA revoked the six aviation licenses in question within 24 hours of the names being made public.

Schiffer says one reason why suspect cases may be falling through the cracks is a problem with inconsistent information in the FAA data base. Schiffer says the FAA list is replete with misspelled names, incorrect dates and duplicate information, which can make it difficult for the TSA to cross-reference names against other federal watch lists. For instance Enrique Canaval Landazuri was actually issued an earlier FAA license under the name "Enrique Canaval."

"Before you can 'connect the dots' between agencies, you have to 'connect the dots' between your own records," said Mark Schiffer, whose company markets its proficiency in data mining and the use of "fuzzy logic" to accurately match names. According to David Schiffer, "We are not aviation experts, nor have any relationship except commercial flying. They should be able to do this validation more thoroughly than we do."

*Eric Longabardi is a freelance journalist who is a frequent contributor to the Blotter, ABC News.com's investigative page.*



**U.S. House of Representatives**  
**Committee on Transportation and Infrastructure**  
Washington, DC 20515

**James L. Oberstar**  
Chairman

**John L. Mica**  
Ranking Republican Member

David Heymsfeld, Chief of Staff  
Ward W. McCarragher, Chief Counsel

James W. Coon II, Republican Chief of Staff

April 7, 2008

Mr. Nicholas A. Sabatini  
Associate Administrator for Aviation Safety  
Federal Aviation Administration

Mr. James J. Ballough  
Director, Flight Standards Service  
Federal Aviation Administration

Mr. Thomas Stuckey  
Federal Aviation Administration

Dear Mr. Sabatini, Mr. Ballough, and Mr. Stuckey:

We are deeply disturbed about statements that you made, under oath, to the Committee at our recent hearing on April 3, 2008, on "Critical Lapses in FAA Safety Oversight" on issues involving the so called Customer Service Initiative (CSI). We believe that your testimony conveyed inaccurate and misleading information about whether Aviation Safety Inspectors and Managers in the Flight Standards Service (which Mr. Ballough directs) were ordered to conduct special meetings with all airlines, repair stations and other regulated entities to deliver and discuss the CSI.

According to documents provided to the Committee<sup>1</sup>, the CSI was announced by then Administrator Blakely in December 2002, affirmed by Mr. Sabatini in February 2003, and formally unveiled by Flight Standards in February 2004. The documents spelled out a series of new procedures for appeals by airlines and other regulated entities who were dissatisfied with the actions of FAA safety inspectors. At the hearing, a number of Members of the Committee and witnesses criticized the CSI on the grounds that treating regulated entities as "customers" undercuts the ability of FAA inspectors to enforce safety regulations, and conveys to the regulated entities that their satisfaction is a higher goal than enforcement. The Members and witnesses believe that the only "customer" of the FAA's safety offices are the persons who travel on aircraft.

In the panel which preceded yours at our hearing, Mr. Mills, who is the Assistant Manager of the Dallas Fort Worth Flight Standards District Office, testified that in 2004 he had been "mandated" to promptly visit "every single operator" to deliver a copy of the new procedures.

<sup>1</sup> CSI: Flight Standards, FAA/Industry Customer Service Meetings, Powerpoint Presentation for delivery to Certificate Holders, prepared by AFS-140, February 2004

Mr. Nicholas A. Sabatini  
Mr. James J. Ballough  
Mr. Thomas Stuckey  
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Following Mr. Mills testimony, you three officials, the officials to whom Mr. Mills reported<sup>2</sup> testified in the second panel. Congressman DeFazio asked you whether Mr. Mills was accurate in believing that he had been directed to hand-deliver the CSI. Mr. Sabatini replied, "I was surprised to hear Mr. Mills say he had been instructed to hand deliver that. That certainly is not in the guidelines." Mr. Ballough responded, "Mr. DeFazio, from what I know it was supposed to have been delivered by routine carrier visits and repair station visits." Mr. Ballough added that these visits would take place "at least once a year."

Mr. Sabatini added in response to further questions that he would not agree "that it was widespread" that people were sent to hand-deliver the CSI and Mr. Stuckey said that it would not have been "his expectation" that one individual would spend three months delivering the CSI.

In sum, these answers convey that managers and inspectors had up to one year to deliver the customer service initiative and that it could be done during routine visits.

This relaxed approach is radically different from that directed by the attached memorandum, dated February 12, 2004, which was sent to "All Flight Standards Managers, Supervisors and Employees," under the signature of Mr. Ballough. This memorandum states that after the CSI had been developed to carry out policies announced by Mr. Sabatini in 2003, all field offices had been directed to contact their operators, to provide them CSI literature and discuss CSI with them. Mr. Ballough's memorandum stated that "few of these meetings have occurred and the purpose of this memorandum is to rectify that." The memorandum directed that "within 60 days of the receipt of this memorandum FSDOs (Flight Standards District Offices) and CMOs (Certificate Management Offices) should conduct meetings with "at a minimum their Title 14 Code of Regulations (14 CFR) parts 121, 135, 141, 142, and 145 operators to discuss CSI."<sup>3</sup> The meetings were to be conducted with a representative of the operators' management, the FSDO or CMO management and the principal inspectors assigned to that operator. Further, it was a requirement that the record of these meetings was to be entered into the FAA's Performance Tracking Reporting System (PTRS), which underscored the mandatory nature of this requirement placed upon FAA Flight Standards Managers.

This is a very different picture from that created by your testimony. It was inaccurate for you to state that the CSI packages could be delivered during routine visits over the next year. Rather, they were required to be delivered and discussed within 60 days of the memorandum. Certainly, this program, which required meetings with almost 8,000 regulated entities would require a "widespread effort" by inspectors and managers.

Following your testimony, we received testimony supporting Mr. Mills, from Mr. McNease a retired Inspector in the Southern Region:

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<sup>2</sup> Mr. Stuckey headed Flight Standards for FAA's Southwest Region, Mr. Ballough directed Flight Standards for the entire country, and Flight Standards reported to Mr. Sabatini, the Associate Administrator for Safety.

<sup>3</sup> Part 121 regulates certificated commercial airlines (97 certificates nationwide); part 135 regulates commuters and on demand operators (2264 operators certified nationwide); part 141 regulates pilot schools (564 certificates nationwide); part 142 regulates training centers (162 certificates nationwide); and part 145 regulates repair stations (4884 operators nationwide).

Mr. Nicholas A. Sabatini  
Mr. James J. Ballough  
Mr. Thomas Stuckey  
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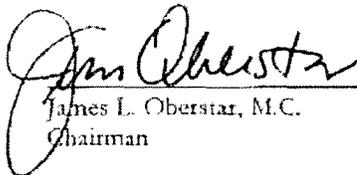
"One other thing to Mr. DeFazio -- I wanted to hold this -- you questioned a number of times about Mr. Mills' hand-delivering everything. The answers you got from Mr. Sabatini, Mr. Ballough, and Mr. Stuckey seemed to think that -- they seemed to tell you that that wasn't the way things happened. That's incorrect. It was the way things happened."

"I was in the Southern Region, not the Southwest Region. In the Southern Region, my manager had to go out and deliver every one of those to everybody. It took him really probably -- probably a month and a half or at least that long. He had other duties. But it happened throughout the FAA, and it's not localized."

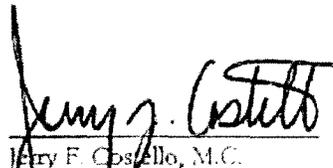
"I hope you see that the testimony from all of us is that this is, I believe, a systemic problem with the FAA. It's happening in other parts of the country, not just in the Southwest Region."

In conclusion, you should understand that these are very serious issues to our Committee. We cannot condone misleading testimony in our hearings, and in last week's hearing you were sworn under oath to tell the truth. The hearings are the basis for carrying out our legislative and oversight responsibilities. We cannot decide whether reforms or different policies are needed unless we have an accurate picture of all relevant agency actions.

Sincerely,

  
James L. Oberstar, M.C.  
Chairman

  
Peter A. DeFazio, M.C.  
Chairman  
Subcommittee on Highways  
and Transit

  
Jerry F. Costello, M.C.  
Chairman  
Subcommittee on Aviation

Attachment: Memorandum from Director, Flight Standards Service, February 12, 2004

cc: The Honorable Mary Peters, Secretary of Transportation  
The Honorable Robert Sturgell, Acting Administrator, Federal Aviation Administration