It is important that the American public understand that Whistleblowers can perform a vital role in today's world. Federal Aviation Administration (FAA) Whistleblowers such as myself have (following established processes) have alerted management officials and others to violations of law, rule, or regulation; gross mismanagement; gross waste of funds; an abuse of authority; or substantial and specific danger to public health or safety.

For several years I have reported many "substantial and specific danger to public health or safety" and other protected concerns that have been substantiated. Some of my previous submissions are contained in internal FAA and public reports such as:

- **FAA Office of Audit and Evaluation Annual Report to Congress Fiscal Year 2013**
  [https://www.faa.gov/about/office_org/headquarters_offices/agi/reports/media/AAE2013_Report_to_Congress.pdf](https://www.faa.gov/about/office_org/headquarters_offices/agi/reports/media/AAE2013_Report_to_Congress.pdf)

- **FAA Office of Audit and Evaluation Annual Report to Congress Fiscal Year 2014**
  [https://www.faa.gov/about/office_org/headquarters_offices/agi/reports/media/2014_Annual_Report_FINAL.pdf](https://www.faa.gov/about/office_org/headquarters_offices/agi/reports/media/2014_Annual_Report_FINAL.pdf)

- **FAA Office of Audit and Evaluation Annual Report to Congress Fiscal Year 2015**
  [https://www.faa.gov/about/office_org/headquarters_offices/agi/reports/media/2015_aae_annual_report.pdf](https://www.faa.gov/about/office_org/headquarters_offices/agi/reports/media/2015_aae_annual_report.pdf)

After several unsuccessful attempts to raise the issues to FAA Management both verbally and in writing on December 19, 2016 I reported to the Office of Special Counsel (OSC) the following three items:

**A substantial and specific danger to public health or safety**

1-Aircraft are being operating for hire or common carriage even though the Standard Airworthiness Certificate (FAA Form 8100-2) references an Exemption that may not allow the airplane to be operated for hire or common carriage.

2-Aircraft are being operated without a Valid Aircraft Registration and Airworthiness Certificate

**Violation of a law, rule, or regulation and A gross waste of funds;**

3-FAA employees and management appear to be improperly receiving locality pay (for years?) while actually working in other locations. This problem appears to be larger than initially reported to the FAA back in 2015.

Because of previous (substantiated) and ongoing whistleblower retaliation by FAA Management officials the **WHISTLEBLOWER DOES NOT CONSENT** to name or other identifying information from being released into the public information files.

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Whistleblower Introduction - Even though my credibility has been firmly established due to many substantiated submissions, I do not believe the FAA Administrator, Human Resource Management (AHR) and the Office of Audit and Evaluation (AAE) officials have taken my recent reports of ongoing whistleblowing retaliation seriously. It is my hope that Department of Transportation (DOT) and/or OSC (Case MA-17-___) officials determine if the FAA actually completed a proper investigation of my whistleblowing retaliation complaints and documented the facts including findings in a report typical of these offices. If an investigation was actually completed and closed, then I request a copy of the final report of investigation (ROI) be sent to my home address of record.

The OSC should understand that this is NOT the first time the whistleblower has been retaliated against by FAA Management for making protected disclosures. In a Memo dated September 13, 2013, [redacted], Chief, Office of Inspector General (OIG) Complaint Center Operations (JI-2) [redacted], Director, Office of Audit and Evaluation (AAE-1) stated in part “Based upon the evidence, we conclude that [Redacted] was retaliated against for cooperating with the OIG during their audit of ASIAS.”

Additionally, [Redacted] obtained a copy of a Memorandum of Record dated March 14, 2014. It is important to note that this internal memo was written by the same senior employee within the FAA Office of Audit and Evaluation (AAE-1) who also participated in this investigation. The memo stated in part the following: “He told me he's had a meeting with [redacted] (AFS-2), and they agreed that AFS will ask [redacted] for [redacted] to be detailed to AFS-900 until they can bring him on board permanently. He told me his sole job was going to be managing [Redacted] until the vacancy for the L is posted. He told me that based on what he's been told by AFS personnel (no detail, I didn't ask), he'd have [Redacted] on an ODP in six months and gone from the agency in a year. He looked at me and smiled and said "that will be 4 no 5 whistleblowers I have had fired since I got to AAE." I thought he was joking, and said "What?" He said, [Redacted], [redacted], and that woman and [redacted] from N90."  

The FAA regularly reports that safety is our top priority, however history shows many safety issues have remained open for years or closed prematurely in order to meet a deadline. For example, on June 11, 2014 the FAA substantiated my whistleblower submission that the “Safety Performance Analysis System (SPAS) is increasingly unreliable because of deficiencies in data quality and reliability, technical system requirements and enhancements, and system and program funding. [Redacted] claimed that SPAS business needs were not prioritized because the overall impact of SPAS on aviation safety oversight was not seriously considered. [Redacted] also noted that SPAS is an AFS mission critical system, and deficiencies in the system could negatively affect an Aviation Safety Inspector’s (ASI) oversight responsibilities…” It is disappointing that this report also shows that known safety concerns were identified and closed prematurely by the FAA.

If “safety is our highest priority”, the reader of this report should wonder what other “non-safety” priorities are taking precedence over these and other reported or known safety concerns.

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In addition to the comments above, I suggest that the OSC, DOT and FAA consider the following:

1. The Office of Audit and Evaluation AAE, report dated Nov 03 2017 stated the FAA will establish a task force to conduct analyses of approximately 1,000 exemptions and records for over 11,000 aircraft operating under Part 135, and will finalize a comprehensive corrective action plan by December 1, 2017.

**Whistleblower Response** - On the surface this appears to be an adequate response. The OSC should determine if the final comprehensive plan (Due 12/1/2017) includes specific requirements showing who will be accountable (by name(s)) to conduct analyses of approximately 1,000 exemptions and records for over 11,000 aircraft. The plan should describe in detail how this plan will be measured and when the FAA expects this plan to be finished. The plan should also include instructions to follow when an exemption is identified during analysis that may impact other FAR Parts such as 91, 121, 125, 129 etc.

2. The Office of Audit and Evaluation AAE, report dated Nov 03 2017 substantiated several reported safety issues.

**Whistleblower Response** - The Office of Audit and Evaluation AAE, report dated Nov 03 2017 does show a specific actions and firm dates on when the FAA expects each of these issues to be resolved. This report should require that the responses to each recommendation be:

a. **Specific** (what exactly will be accomplish and by whom?),

b. **Measurable** (how will anyone know when the FAA has reached this goal?),

c. **Achievable** (is achieving this goal realistic with effort and commitment?),

d. **Relevant** (will this goal resolve the issue?) and

e. **Timely** (what date will the FAA achieve this goal?).

3. **Whistleblower Response** - The Office of Audit and Evaluation AAE, report dated Nov 03 2017 substantiated several safety issues however the response may not align with the FAA Strategic Initiatives by building on safety management principles to proactively address emerging safety risk by using consistent, data-informed approaches to make smarter, system-level, risk-based decisions.

   In the whistleblowers opinion the FAA could be proactive by simply having Air Traffic Control (ATC) verify the registration status of each aircraft that files a flight plan and PRIOR to its operations in the NAS.

   https://www.faa.gov/about/office_org/headquarters_offices/ato/service_units/air_traffic_services/flight_plan_filing/

4. **Whistleblower Response** - The Office of Audit and Evaluation AAE, report dated Nov 03 2017 - Allegation 2 title is misleading in that it places the blame on Aviation Safety Inspectors despite the Executive Summary stating in part that "Based upon the large number
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of aircraft that have been identified by the whistleblower, it appears that the registry has failed to take sufficient steps to ensure that aircraft can be located and that ownership can be accurately identified and contacted. These process shortcomings introduce an unknown level of risk to the NAS and contrary to regulatory requirements.

The report should change the language from Aviation Safety Inspector or Registry to Federal Aviation Administration (FAA). It is the FAA who has failed to ensure all Aircraft are being operated without a Valid Aircraft Registration.

Please note that also by operation of law the Airworthiness Certificate would also not be valid without a valid aircraft registration.

The operation of an aircraft without a valid aircraft registration and/or airworthiness certificate would be contrary to 14 CFR §47.3(b), §91.203 and 49 U.S.C. § 46306(b)(5)(A).

5. **Whistleblower Response** The Office of Audit and Evaluation AAE, report dated Nov 03 2017, page 6 states in part “The FAA has process in place once an aircraft has been identified and reported as operating with an expired registration. However, it has limited resources to proactively identify aircraft that have expired registration beyond correspondence sent to the last known address provided to the registry by the owner.”

Unfortunately, the FAA response within this report is still reactive and labor intensive. The whistleblower understands the limitation that using this type of data it’s only possible to track aircraft on an IFR (instrument) flight plan since they are given a discrete transponder code before takeoff that’s used to uniquely identify them on radar and in the FAA’s computer systems.

However once again, the actions within this report appear to be reactive and may not align with the FAA Strategic Initiatives by building on safety management principles to proactively address emerging safety risk by using consistent, data-informed approaches to make smarter, system-level, risk-based decisions.

For example, this issue could be simply addressed by analyzing public FAA Registry data against public FAA flight plan data

- FAA Registration Data- https://www.faa.gov/licenses_certificates/aircraft_certification/aircraft_registry/releaseable_aircraft_download/
- The Aircraft Situation Display to Industry (or ASDI)- http://www.fly.faa.gov/ASDI/asdidocs/ASDI_MOA_Ver_1_4_07212011.pdf

It is important to note that the whistleblower identified in an office environment many aircraft that were operating in the NAS without a valid aircraft registration AND airworthiness certificate.

While the FAA response within this reports highlights great efforts to physically inspect aircraft, the whistleblower believes that the FAA could simply review public or other internal

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data to easily and more efficiently determine which aircraft operated in the NAS without a valid aircraft registration AND airworthiness certificate.

This data analysis can be (should be) done on a regular reoccurring basis by any analyst, inspector or agent for little cost and time since it would not require travel or visits to airports to conduct physical aircraft inspections or RAMP Checks to see what aircraft may have operated in the NAS without a Valid Aircraft Registration and by operation of law without a valid Airworthiness Certificate.

The whistleblowers recommendation would provide the FAA the opportunity to ensure regulatory compliance while also using its limited resources on other priorities.

6. **Whistleblower Response**—It was disappointing to see in the Office of Audit and Evaluation AAE, report dated Nov 03 2017 that "At our request, LEAP Special Agents used law enforcement resources to identify the aircraft owners and bring them into compliance".

So despite a written report from [Whistleblower] to FAA/ Special Emphasis Investigations Team (SEIT) Management (AFB-430) who then notified FAA Security and Hazardous Materials Safety (ASH) per a Memorandum of Understanding, it took a AAE investigation request to finally have someone in ASH “bring them into compliance”.

These actions appear to be reactive and may not align with the FAA Strategic Initiatives by building on safety management principles to proactively address emerging safety risk by using consistent, data-informed approaches to make smarter, system-level, risk-based decisions.

7. The report states that SEIT management concurred with the InFO draft prepared by the whistleblower and encouraged the whistleblower to proceed with the InFO publication.

**Whistleblower Response**—This is NOT correct. In fact, the whistleblower wanted to notify all applicable aviation safety inspectors of these safety issues and SEIT Management told the whistleblower in writing to “Hold on that until I can brief [and ]”. The whistleblower was never given permission to proceed.

8. **Whistleblower Response**—The Office of Audit and Evaluation AAE, report dated Nov 03 2017 report gives the illusion that an FAA Employee such as the whistleblower could have simply reported these concerns as a safety recommendation.

The whistleblower previously used the FAA Safety Recommendation System for highlighting another concern. On November 17, 2016 the whistleblower received the following response from [Manager, Recommendations Branch (AVP-420)].

We have reviewed your proposed FAA safety recommendations, dated November 17, 2016. "The issues you raise, while valid, are outside of the scope of the FAA Safety Recommendation Program. Paragraph 8 of FAA Order 8020.17, FAA Procedures for Handling FAA and International Safety Recommendations, indicates that proposed recommendations under this program relate to accident or incident prevention. The issues

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you raise affect the Agency as a whole, from an IT perspective, rather than identify a specific safety issue and recommend action that would prevent an accident or incident within the NAS. Based on our review, your concerns may be better addressed through the Administrators' Hotline, the Safety Information Reporting System (SIRS), or even directly to AFS or AIT management."

Therefore, in the whistleblowers opinion he doubts the FAA would have accepted this as a safety recommendation since it was related to ongoing regulatory noncompliance and not likely would have prevented an accident or occurrence.

Additionally, FAA Order 8020.17 states in part that the FAA Safety Recommendation Program is one of the FAA’s processes used to identify and correct safety deficiencies in the National Airspace System (NAS) and on U.S.-manufactured aviation products used internationally. This order does not prevent the use of other existing processes used to report or track safety concerns within the submitter's line of business or organization.

9. Whistleblower Response- The Office of Audit and Evaluation AAE, report dated Nov 03 2017, page 4 incorrectly states “the whistleblower chose to take no further action”.

Please note that per FAA Order 8020.17 the whistleblowers submission would not likely prevent an accident or incident and may have been rejected by FAA. Because the whistleblower felt these issues were (and still are) a serious safety concern that should not be ignored he took the following actions:

   a. gathered data,
   b. documented concerns,
   c. entered many records into the FAA National Program Tracking and Reporting Subsystem (NPTRS)
   d. entered many records into the FAA iTRAK Database
   e. communicated and/or interviewed several persons,
   f. IAW FAA Order 1600.38 notified FAA management,
   g. notified aviation safety inspectors,
   h. wrote a DRAFT InFO based on current guidance,
   i. tried to notify principal inspectors of other aircraft types,
   j. notified AAE and
   k. notified OSC.

10. Whistleblower Response- The Office of Audit and Evaluation AAE, report dated Nov 03 2017 DOES NOT address the Airworthiness Certificate regulatory concerns and violations reported to the OSC.

11. Whistleblower Response- The Office of Audit and Evaluation AAE, report dated Nov 03 2017 DOES NOT address the complaint that FAA employees and management appear to be (or has) improperly receiving locality pay (for years?) while actually working in other

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locations. This problem was initially reported in writing to the FAA Office of Audit and Evaluation back in 2015.

12. The Office of Audit and Evaluation AAE, report dated Nov 03 2017-Recommendation 4 Response-states in part that the content of the supplied InFO cites language from FAA Order 8900.1 that is outdated.

**Whistleblower Response**- This is NOT a correct statement. The language used in the DRAFT InFO used current guidance when written. In fact, as of December 4, 2017, FAA Order 8900.1, Vol .11, Chapter 08 CHG 0 is still dated 9/2/15.

http://fsims.faa.gov/wdocs/8900.1/v11%20afs%20programs/chapter%2008/11_008_001.htm

13. The Office of Audit and Evaluation AAE, report dated Nov 03 2017-Recommendation 5 OIG Recommendation 1-

**Whistleblower Response**- The FAA response should explain in detail how the FAA will ensure data integrity for certificated airman that do not have medical requirement?

14. The Office of Audit and Evaluation AAE, report dated Nov 03 2017-Recommendation 5 OIG Recommendation 1-

**Whistleblower Response**- The FAA response should explain in detail how the FAA will ensure data integrity for certificated airman who's medical has expired.

15. The Office of Audit and Evaluation AAE, report dated Nov 03 2017-Recommendation 5 OIG Recommendation 2,

**Whistleblower Response**- The FAA should ensure the comments included in the Federal Registry also include in FAA Order 8900.1 for use by Aviation Safety Inspectors, Aircraft Registry and Others.


**Whistleblower Response**- While this may be a good idea, the whistleblower does not understand how it proactively addresses or resolves the reported concerns that aircraft are being operated without a Valid Aircraft Registration and Airworthiness Certificate.

**Whistleblower Response**- These actions be contrary to the new FAA Compliance Philosophy/Orders. See - http://www.faa.gov/about/initiatives/cp/cpo/

a. FAA Order 8000.373
b. FAA Order 2150.3
c. FAA Notice 8900.352
d. FAA Order 8900.1
e. FAA Notice 8900.343

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17. **Whistleblower Response** - The whistleblower has been an Aviation Safety Inspector with the FAA for over 20 years and believes that many of the FAA safety reporting programs collect a lot of data & information however the FAA lacks accountability, tracking, analysis and follow-up.

The FAA has several independent (organizational/data) silos, as such the FAA does not currently have the ability to connect all the dots or understand all the data we have. I have always tried to resolve any reported issue at the lowest level.

Only when the FAA is slow to respond or does not respond that I elevate my concern. Being a safety professional, I have had to (verbally and/or writing) report serious safety/other issues such as Avantair & Safety Performance Analysis System (SPAS) to the Office of Audit and Evaluation AAE and Office of Special Counsel OSC. I have also reported safety and other concerns:

- FAA Management & Executives including the Administrator,
- Consistency & Standardization Initiative (CSI)
- Department of Transportation (DOT) Hotline,
- Office of Accident Investigation and Prevention (AVP), /ASIAS
- FAA Accident and Incident Data System (AIDS)
- FAA Accountability Board
- FAA Administrator’s Hotline,
- FAA Aviation Safety Hotline,
- FAA AVS Help Desk,
- FAA Cyber Risk Analysis & Response Branch
- FAA National Help Desk
- FAA Grievance Process,
- FAA National Program Tracking and Reporting Subsystem (NPTRS)
- Safety Assurance System (SAS),
  - SAS Assistance, Feedback, and Enhancement (SAFE),
- FAA Safety Performance Analysis System (SPAS)
- FAA Security Operations Division
- FAA Security Operations Center
- FAA Safety Issues Reporting System (SIRS)
- FAA Voluntary Disclosure Reporting Program (VDRP)
- FAA Whistleblower Protection Program
- Merit Service Protection Board (MSPB),
- Quality Management System Information Technology Support (QMITS)
  - Stakeholder feedback,
  - Nonconformance,
  - Preventative non concordance,

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A few years ago on January 7th, 2010 President Obama stated in part “U.S. government had the information -- scattered throughout the system -- to potentially uncover this plot and disrupt the attack. Rather than a failure to collect or share intelligence, this was a failure to connect and understand the intelligence that we already had...”

**Whistleblower Response**-I believe if the FAA were to actually be proactive that if these reporting programs/data could be consolidated ensure Standardization and Consistency that would help the FAA Administrator improve Aviation Safety while increasing organizational efficiency.

In closing, **the DOT/FAA senior leadership has not publically (or privately) acknowledged or even recognized the valuable contributions of ANY FAA Whistleblowers.** FAA Whistleblowers including myself have been ignored, ostracized and are now just trying to avoid further harm to their careers and/or families by remaining silent. If this type of culture is acceptable to the DOT/FAA senior leadership then I believe this will raise the risk to the Department, Agency and American flying public because FAA employees and contractors who know of dangers to public aviation safety or other wrongdoing may not proactively report the concern(s) for risk of whistleblower retaliation.

Because of previous (substantiated) and ongoing whistleblower retaliation by FAA Management officials **I DO NOT CONSENT** to my name or other identifying information from being released in the public information files.

Your Loyal Servant,

*{Whistleblower}, Aviation Safety Inspector*