



**U.S. Department of  
Transportation**

Office of the Secretary  
of Transportation

The Inspector General

Office of Inspector General  
Washington, D.C. 20590

March 28, 2001

The Honorable James E. Clyburn  
United States House of Representatives  
Washington, D.C. 20515

Dear Congressman Clyburn:

This letter is in response to your question from the March 8, 2001, hearing on the Department of Transportation's Management Challenges, concerning the status of the Federal Aviation Administration's (FAA) implementation of the Whistleblower Protection Program noted in Section 519 of the AIR-21 legislation. The specific whistleblower provisions are codified in 49 U.S.C. § 42121.

As you know, the purpose of the whistleblower program established in AIR-21 is to provide protection to employees of air carriers and their contractors or subcontractors. Under the Act, an employee who provides information to his or her employer or to the Federal Government relating to aviation safety violations is protected from discrimination with respect to compensation, terms, conditions, or privileges of employment, including being fired for such disclosure.

The FAA and the Department of Labor (DOL), through the Occupational Safety and Health Administration, have joint responsibilities for the enforcement of Title 49 U.S.C. § 42121. The FAA has responsibility to investigate alleged safety violations while OSHA investigates employee complaints of alleged discrimination by air carriers.

We met with the FAA managers responsible for implementing the whistleblower provisions and we reviewed documents they provided to us. The FAA managers advised us they are taking the following steps to implement the whistleblower provisions of the AIR-21 Act:

1. The FAA published a bulletin on February 27, 2001, that provides internal guidance and procedures to its aviation safety inspectors concerning the whistleblower provisions;
2. The FAA and DOL are finalizing a memorandum of understanding (MOU) to enhance coordination and cooperation in the investigation of employees who provide air safety information;
3. The FAA printed 50,000 hotline posters to inform the public of the new whistleblower provisions. FAA is currently distributing these posters to air carriers and their respective unions. The FAA also created a web site to inform air carrier employees of the provisions. This site is located at: <http://www.faa.gov/avr/afs/osha/osha.htm>.

Copies of the internal FAA bulletin, draft MOU, and whistleblower poster are enclosed. In addition to the statutory requirements, Conference Report 106-940 requires the Secretary of the Transportation and the Secretary of Labor to report, no later than April 5, 2002, to the House and Senate Committees on Appropriations on measures to assure effective implementation of the whistleblower provisions. Conference Report 106-940 requires this report to be prepared by a firm with recent experience analyzing employee protection provisions in the transportation sector. The FAA Administrator and her staff met recently with a consulting firm in Washington, D.C. that provided a whistleblower analysis for the Federal Motor Carrier Safety Administration.

Thank you for the opportunity to provide you with an update on the status of FAA's implementation of the Whistleblower Protection Program. If I can answer any questions or be of further assistance, please feel free to contact me on (202) 366-1959, or my Acting Deputy, Todd J. Zinser, on (202) 366-6767.

Sincerely,



Kenneth M. Mead  
Inspector General

Enclosures