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## United States Senate

COMMITTEE ON APPROPRIATIONS

WASHINGTON, DC 20510-6025

<http://appropriations.senate.gov>

September 30, 2019

The Honorable Steve Dickson  
Administrator  
Federal Aviation Administration  
800 Independence Avenue, S.W.  
Washington, D.C. 20591

Dear Administrator Dickson:

Thank you for reaching out to us in your first weeks as Administrator regarding the status of the Boeing 737-MAX aircraft. Following the Lion Air Flight 610 and Ethiopian Airline Flight 302 crashes that claimed 346 lives, the FAA must work to restore the trust of the American public, as well as its international partners.

As you continue to address this important safety imperative, we call your attention to the September 23, 2019, letter from U.S. Special Counsel Henry Kerner, which questions the accuracy of statements made by then-Acting Administrator Daniel Elwell about the training and accreditation of the Aviation Safety Inspectors (ASIs) in letters to Senate Commerce Committee Chairman Roger Wicker. We request that you provide additional information regarding the training requirements for ASIs to administer certain pilot qualifications known as “check rides” in comparison to the training requirements necessary to serve on a Flight Standardization Board (FSB). We are particularly concerned about the Special Counsel’s findings that inconsistencies in training requirements have resulted in the FAA relaxing safety inspector training requirements and thereby adopting “a position that encourages less qualified, accredited, and trained safety inspectors.” We request that the FAA provide documents confirming that all FAA employees serving on the FSB for the Boeing 737-MAX and the Gulfstream VII had the required foundational training in addition to any other specific training requirements. If such training requirements were not met, please specify which aircraft certifications were compromised by insufficient FAA oversight of pilot accreditation.

We also ask for clarification to responses submitted in the enclosed letter from then-Acting Administrator Elwell on July 30, 2019, and to statements made by Associate Administrator for Aviation Safety Ali Bahrami at the Subcommittee’s FAA oversight hearing on July 31, 2019.

- 1) In the July 30<sup>th</sup> letter, Mr. Elwell stated that the FAA is taking two independent paths to returning the 737 MAX back into service. The first path relies on the FAA’s own

certification process, while the second path relies on recommendations of the Technical Advisory Board (TAB), which consists of individuals who had no role in the original certification of the 737 MAX. Will the FAA ensure that the decision-making process for returning the MAX aircraft to service, including how the FAA will implement recommendations from the TAB, will be transparent to the American public?

- 2) A *New York Times* article published on July 27, 2019, entitled “The Roots of Boeing’s 737 Max Crisis: A Regulator Relaxes Its Oversight,” highlighted concerns raised by FAA’s engineers regarding the potential of an engine failure that could result in shrapnel hitting the rudder cables, making it difficult for pilots to control the aircraft. The article referenced, “five people with knowledge of the matter and internal documents,” and media reports indicate there was substantial disagreement within the agency. However, in responding to a question from Senator Collins at the hearing, Mr. Bahrami stated that, “[b]ased on all the data, managers made the decision, and the decision was made, it was not necessarily to the liking of one or two individuals.” Given the conflicting information, we are concerned that Mr. Bahrami may have mischaracterized the degree of disagreement within the FAA. Does the FAA agree or disagree with Mr. Bahrami’s response that only one or two individuals disagreed with the rudder cable decision?
- 3) The same July 27, 2019, *New York Times* article also referred to a safety review panel that found FAA managers had created, “an environment of mistrust that hampers the ability of the agency to work effectively.” Committee staff requested a copy of this document prior to the hearing on July 28, 2019, but have not received it yet. We now request that the FAA provide this document to the Subcommittee immediately.
- 4) Referencing a *Wall Street Journal* article from July 31, 2019, entitled “Regulators Found High Risk of Emergency After First Boeing MAX Crash,” Senator Reed asked Mr. Bahrami about the 10-month window that the FAA provided Boeing to make the necessary changes to the 737-MAX’s Maneuvering Characteristics Augmentation System (MCAS). This 10-month window was apparently based on the FAA’s analysis that the probability of an incident similar to Lion Air Flight 610 remained extremely low and could be addressed through pilot notifications as an interim measure. Mr. Bahrami stated that implementing an interim measure followed by a long-term remedy is the FAA’s normal practice, presumably because relying on a temporary, interim measure would pose no immediate safety risk. We are concerned about how the FAA initially determined that an interim measure was sufficient in addressing the flaws in MCAS. After the Lion Air crash, did the FAA provide Boeing a 10-month window to make long-term fixes to MCAS based on its own probabilistic risk assessment? Was that determination made without any consideration for Boeing’s capacity, production timelines, or any other external consideration?
- 5) In responding to questioning from Senator Reed on the 10-month window issue, Mr. Bahrami stated that, “knowing what we know today, and maybe we would have to take a revisit of that based on these reviews that will come out, we will definitely make adjustments.” What was Mr. Bahrami referring to when he said, “knowing what we know

today...”? What adjustments has the FAA made to improve its decision making process for developing both interim and long-term actions related to aircraft certification?

Thank you for your assistance in responding to these questions. We urge you to take the necessary internal actions that may be necessary to improve the FAA’s safety posture as well as the American public’s trust in the agency. We request that you respond to these questions no later than October 11, 2019.

Sincerely,



Susan Collins, Chairman  
United States Senate Appropriations  
Subcommittee on Transportation, Housing  
and Urban Development, and Related Agencies



Jack Reed, Ranking Member  
United States Senate Appropriations  
Subcommittee on Transportation, Housing  
and Urban Development, and Related Agencies

Enclosure