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United States Senate

COMMITTEE ON COMMERCE, SCIENCE,
AND TRANSPORTATION

WASHINGTON, DC 20510-6125

WEBSITE: <https://commerce.senate.gov>

June 13, 2023

President Joseph R. Biden
The White House
1600 Pennsylvania Avenue, N.W.
Washington, D.C. 20500

Dear President Biden,

The Federal Aviation Administration (“FAA”) has been operating without a Senate-confirmed Administrator for fifteen months. Given the critical role that the FAA Administrator plays in keeping Americans safe when they fly, I urge you to nominate a serious and well-qualified person with substantial aviation experience for this position immediately.

Unfortunately, your administration has failed to prioritize nominating and confirming a well-qualified FAA Administrator. On February 17, 2022, FAA Administrator Steve Dickson announced that he would resign at the end of March. After this announcement, it took you more than four months to name a nominee to replace him.

This lengthy delay was only made worse by your selection of an unqualified nominee—Phil Washington. Traditionally, the FAA Administrator has substantial aviation experience. But not Mr. Washington. He is a longtime transit official who has no aviation safety experience, and virtually no aviation experience at all. He has never flown an airplane. And he has never worked for an airline, in airline manufacturing, or as an air traffic controller. In September 2022, while Mr. Washington’s nomination was pending, he was named in a search warrant that tied him to allegations of public corruption at Los Angeles’ transit agency. Given Mr. Washington’s clear lack of aviation qualifications and his entanglement in an ongoing criminal investigation, it is no wonder that Senate Democrats let his nomination languish for six months and expire at the end of 2022.

Even though it was clear that Mr. Washington would likely face bipartisan opposition that would make his confirmation by the Senate impossible, you chose to renominate him in January 2023 rather than select a well-qualified nominee whom the Senate could swiftly confirm. Another two months passed before his nomination hearing on March 1, 2023. At the hearing, Mr. Washington could not answer basic aviation safety questions. Unsurprisingly, at the hearing, both Republican and Democrat senators publicly expressed concerns about Mr. Washington’s qualifications to lead the FAA. Yet, despite the clear evidence that Mr. Washington’s nomination was doomed to fail in the face of bipartisan opposition, you waited

another month to withdraw his nomination. All of these needless delays and unforced administration errors has left the FAA without a Senate-confirmed administrator for even longer.

On March 8, 2023, I publicly recommended that you nominate someone like the then-Acting FAA Administrator, Billy Nolen.¹ Mr. Nolen is a former military and commercial airline pilot with years of aviation experience, especially in aviation safety. He held leadership positions at three airlines. And he led airlines as they implemented key safety protocols. Mr. Nolen’s nomination would have also furthered your diversity goals, since he, like Mr. Washington, is African American. And, he was *already one your appointees*, because your White House had already named him Acting Administrator. At the time, I emphasized that “a nominee like Mr. Nolen would likely receive widespread bipartisan support” and “would be confirmed quickly.”²

Since I first made this recommendation, 97 days have passed without you naming a nominee to be FAA Administrator. In the meantime, Mr. Nolen announced that he would leave the FAA this summer. And it was recently announced that Deputy Transportation Secretary Polly Trottenberg has been selected to serve simultaneously as Acting FAA Administrator and in her current role. While I appreciate that she has had a long career in transportation, her career has not been in aviation. She is not a pilot and has never worked in the aviation industry. During her time as the Commissioner of the New York City Department of Transportation she was responsible for things like bridges, roads, and ferries, not airplanes. I hope Ms. Trottenberg will be an effective caretaker, but it is urgent for the administration to nominate a permanent head of the FAA quickly.

Over two million passengers fly each day in the United States. To keep these passengers safe, the FAA needs a Senate-confirmed Administrator with substantial aviation experience, especially as the FAA is facing serious challenges from near-misses by airplanes to a shortage of air traffic controllers. Every day that passes without a FAA Administrator puts the flying public at risk. I stand ready to work with your administration to swiftly confirm a serious and well-qualified nominee to be FAA Administrator and urge you to nominate one immediately.

Sincerely,



Ted Cruz
Ranking Member

¹ U.S. Senate Committee on Commerce, Science and Transportation, *Hearing: Enhancing Consumer Protections and Connectivity in Air Transportation* (Mar. 8, 2023), <https://www.commerce.senate.gov/2023/3/implementation-and-oversight-of-the-aircraft-certification-safety-and-accountability-act>.

² *Hearing: Enhancing Consumer Protections and Connectivity in Air Transportation*, *supra*, note 2.