

**SENATE COMMITTEE ON COMMERCE, SCIENCE, AND
TRANSPORTATION**

Full Committee
Phillip Washington Nomination to FAA
Wednesday, March 1, 2023, at 10:00 A.M.

DEMOCRATIC QUESTIONS FOR THE RECORD

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CHAIR MARIA CANTWELL (D-WA)

Experience and Qualifications. Over your past 45 years of public service, you have demonstrated a strong record of leadership and ability to tackle complex challenges. In the U.S. Army, you rose to the rank of Command Sergeant Major and held leadership roles in training, operations, and logistics. Following your military career, you successfully led several large and complex safety transportation organizations: Denver's Regional Transportation District and Los Angeles County Metropolitan Transportation Authority.

Most recently, for nearly 2 years, you have served as the Chief Executive Officer of Denver International Airport, the third busiest airport in the world serving more than 70 million passengers last year. Senior leaders of our nation's airports perform a critical role in ensuring the safety of aircraft operations at their facilities.

Question 1. Has your role at Denver International Airport provided you with experience directly related to aviation safety? Please describe your involvement in issues related to aircraft operational safety during your tenure at Denver International Airport.

Answer: As CEO of Denver International Airport, I provide leadership and work closely with the FAA's Air Traffic Organization, Office of Aviation Safety, and Office of Airports and airlines coordinating construction activities, severe weather event responses, aircraft emergencies, wildlife hazard issues, and other significant events that may affect the airport operations area or airspace that impacts airport operations. One key example was during and in the aftermath of the Southwest Airlines disruption in December 2022.

Question 2. Considering the totality of your experience, how will you bring a fresh perspective to the FAA?

Answer: I will bring a fresh perspective to the FAA based on my superior track record of expert internal organizational and fiscal management. I will lean on my decades-long record of leadership, management, and oversight of billion-dollar budgets, thousands of employees, and massive project and program oversight. My financial and management leadership and oversight experience of three of the largest infrastructure programs in America, Denver International Airport's considerable airport rehabilitation/renovation program, Los Angeles County's Measure M, and the Regional Transportation District of Denver's FasTracks programs, allow me to bring unique management and accounting controls experience to the position.

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Question 3. How has your experience prepared you to lead a bureaucracy of 45,000 employees and to motivate that workforce to address current and future challenges?

Answer: I have successfully led several large and complex safety transportation organizations similar to the FAA. Throughout these experiences I have always said that I will own well intentioned failure and the organization's employees will own success. I am currently the Chief Executive Office of the third busiest airport in the world. In this role I lead 35,000 employees, move nearly 70 million passengers per year and manage a \$1.2 billion operating budget. Before this role, I led the Los Angeles County Metropolitan Transportation Authority which consisted of nearly 11,000 employees, safely moves over 225 million passengers a year and has nearly a \$9 billion operating budget. I also led Denver's Regional Transportation District which employs nearly 3,000 employees, safely moves over 49 million people a year, and has an annual operating budget of \$675.5 million.

Question 4. Please provide examples from your military career which prepared you to serve as FAA Administrator. More specifically, please describe specific challenges, incidents, projects, or events which illustrate your management and leadership qualities.

Answer: I have earned the highest non-commissioned officer rank possible in one of the largest and most respected institutions in the world, the United States Army. During my military career, I served, lead, and motivated men and women from every corner of this great land. Among my military experiences, I served as Inspector General in U.S. Army Europe Headquarters. In this role, I identified and resolved systemic operational challenges and adverse trends throughout U.S. Army Europe and provided prudent advice, training, assistance, and counseling to soldiers, commanders, family members, whistleblowers, and Department of Defense civilians.

Question 5. What specific skills or tools did you learn from your military career, and how would these characteristics help you to address current challenges at the FAA?

Answer: One of the challenges facing the FAA is the modernization of its national airspace systems and other technology. Installation of new technology is an important first step, but integration is critical for success. While in the U.S. Army, I was in headquarters for U.S. Army Europe and worked in information management. I was the top non-commissioned officer in that area, and we were installing and integrating communications and IT equipment in all of Europe.

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Safety Vision. U.S. aviation has been through a difficult period. With the 737 MAX accidents, America's global leadership in aviation safety was called into question. Then the COVID-19 pandemic halted airline operations on an unprecedented scale. More recently, there have been a number of incidents, like the NOTAM shutdown to near-miss runway incursions, as discussed in the Committee's recent hearings. Additionally, it is clear that advanced technology adds more challenges and complexity.

If there were a time for strong safety leadership at the FAA, it's now.

Question 1. What is your overall vision for improving and enhancing safety?

Answer: Safety will always be my top responsibility and priority. Externally, I will reinforce to all of FAA's regulated entities that we are the regulator, period. We saw what happened when lines became blurred and while I think the FAA has moved in the right direction in the last few years I will ensure we remain vigilant. Internally, if confirmed, one of the first things I will do at the FAA is inform every employee of what they can expect of me and what I expect of them in meeting the FAA's mission. My overall vision for improving and enhancing safety also includes breaking down stovepipes within the FAA and providing professional development.

Question 2. What is your plan to turn this vision into action to ensure the U.S. makes the global gold standard for aviation safety?

Answer: I believe that the world wants and needs our global leadership on aviation safety. As part of my plan, if confirmed, I would ensure the FAA holds itself and the entities it regulates accountable. I will also ensure that every FAA employee understands my expectations of them as well as what they can expect from me. I also will further expand the FAA's partnership with workers, communities of color, airlines, airports, aircraft manufacturers, the military, labor, and aviation regulatory bodies around the world, and all communities impacted by FAA operations.

Question 3. In the 2020 Aircraft Certification Safety and Accountability Act (ACSAA), Congress set forth specific improvements in FAA's safety oversight of aircraft manufacturers. If confirmed as Administrator, do you commit to fully implementing these safety reforms, on-time and consistent with Congressional intent?

Answer: If confirmed, I commit to fully implementing these safety reforms, on-time and consistent with Congressional intent, and I would keep Congress informed of progress in implementation.

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Question 4. Please describe how diversity, equity, and inclusion efforts you have championed at Denver International Airport are consistent with, and further to, aviation safety. If confirmed, please describe how you would utilize DEI to promote aviation safety at the FAA.

Answer: I think it's crucial for us to understand diversity, equity, inclusion, and accessibility. At Denver International Airport, we have set up the Center of Equity and Excellence in Aviation (CEEA) to promote aviation careers, business development, and innovation. Two of the goals of CEEA are to (1) prepare current and future employees for a career pathway in aviation industry, as well as create more opportunities for minority-, women- and veteran-owned businesses to do business at Denver and (2) advance aviation research and innovation that drives best practices with a global impact. These efforts are consistent with and further aviation safety. The same would be true at the FAA – we can translate the work at Denver's CEEA to a larger scale and use DEI&A to promote aviation safety.

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SENATOR TAMMY DUCKWORTH (D-IL)

Topic: FAA Civil Enforcement

Congressional investigation into the Boeing 737 MAX certification and crashes revealed two issues I found especially disturbing. The first issue was an internal Boeing memo which appeared to document an internal Boeing plan to avoid using the term “MCAS” outside of the company and instead describe the new system to outsiders as merely an addition to the already existing Speed Trim System. This plan was approved by an “Authorized Representative,” an individual who is specifically authorized to perform certain certification work on behalf of FAA. The second issue is that Boeing knew the Angle of Attack Disagree alert was inoperable on more than 80 percent of 737 MAX aircraft, which is a direct violation of the plane’s FAA approved type design. Yet, Boeing did not inform the FAA, air carriers or MAX pilots of this for more than a year, and only after the first deadly MAX crash. I am not aware of FAA taking any civil enforcement action against Boeing for this.

Does the FAA need stronger civil enforcement authority to deter a future manufacturer from downplaying the significance of a new feature to avoid additional costs in the form of pilot training or greater certification scrutiny?

As I stated in the hearing, I am absolutely committed to seeking and using civil enforcement as appropriate in the future for incidents. If confirmed, I will ensure manufacturers understand that the FAA is the regulator. I will also assess whether additional civil enforcement authority is necessary.

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SENATOR KYRSTEN SINEMA (D-AZ)

Contract Towers. One of the Federal Aviation Administration's (FAA) most successful industry partnerships is the FAA Contract Tower Program. More than 250 airports are in the program, including seven in Arizona. This critical air traffic safety program helps maintain and develop air service; supports DOD flight training operations and military readiness; and supports pilot flight schools across the country. Contract towers account for approximately one third of all tower operations, but staffing shortages continue to be a challenge throughout the industry, including for contract towers.

Question 1. What measures can the FAA and the industry undertake collaboratively to address staffing challenges at these towers – including at Phoenix-Mesa Gateway Airport, the busiest contact tower in the nation with over 250,000 annual operations?

Answer. **Running the third busiest airport in the world, I can tell you I'm acutely aware of the disruption that staffing issues in a control tower cause. If confirmed, one of the first things I would do is sit down with the Air Traffic Organization to clearly understand the path to ensuring staffing levels that fit the demand.**

Aircraft Noise. Aircraft noise is a persistent issue in parts of Arizona. I have heard from my constituents in Phoenix, Scottsdale, and Tempe who have been affected by aircraft noise. Many of these Arizonans previously lived in areas that were not under flight paths but now face aircraft noise, following FAA changes to flight paths. Five years ago, the D.C. Circuit struck down certain flight paths, determining that the FAA did not properly analyze the effects of flight path changes and did not consult nearby cities, residents, and elected officials. Despite the court ruling, this issue still remains a concern for many Arizonans.

Question 2. What will be your approach to community outreach as the FAA considers flight paths in Arizona and across the country?

Answer. **I know this is a difficult issue and the people affected by it feel strongly. In Denver we've had the same challenges with specific communities being very upset about noise, especially after changes to flight paths. I certainly understand and would want to work with you and the Committee on this if confirmed. I know the agency is updating its noise policy which may be a place for us to partner. The agency is looking at how to measure noise and how to decide how much noise should trigger more environmental review. I think the key to all of this is transparency and honesty between the FAA, the airports, and the communities. We have to have trust between the stakeholders and the agency, and I think that's what has been lacking.**

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Implementation of the Bipartisan Infrastructure Law. The FAA will continue implementing the historic Bipartisan Infrastructure Law by administering the \$15 billion Airport Improvement Program, the \$5 billion Airport Terminal Program, and \$5 billion for air traffic control infrastructure. Through BIL funding in 2022, major Arizona airports such as Phoenix Sky Harbor International Airport received over \$41 million and Tucson International Airport received over \$6 million.

Question 3. If confirmed, how will you ensure BIL formula and discretionary grant funding is efficiently distributed to the appropriate recipients?

Answer. *I have years of experience in grant fund management, and I understand the needs of airports to access this funding. If confirmed, I will ensure that BIL formula and discretionary grant funding is efficiently distributed to the appropriate recipients in line with the requirements of the law. I will also commit to addressing any recommendations that may come from the Department of Transportation Office of Inspector General or other independent oversight of the BIL program.*