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United States Senate

COMMITTEE ON COMMERCE, SCIENCE,
AND TRANSPORTATION

WASHINGTON, DC 20510-6125

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

January 3, 2023

The Honorable Eric J. Soskin
Inspector General
U.S. Department of Transportation
1200 New Jersey Avenue SE, 7th Floor
Washington, D.C. 20590

Dear Inspector General Soskin:

Congress enacted the Aircraft Certification Safety and Accountability Act (ACSAA) in 2020, adopting numerous reforms to the Federal Aviation Administration's (FAA) aircraft certification system and processes. In 2023, Congress will be considering the reauthorization of the FAA and evaluating its compliance with the requirements of ACSAA will be an important aspect of the Committee's review. While Committee staff has received quarterly briefings from FAA personnel regarding the implementation of the aviation safety reform law, we are requesting the Department of Transportation Office of the Inspector General (OIG) conduct an independent review of FAA compliance with congressionally mandated aviation safety reforms.

The Committee requests that the OIG's review be conducted in two phases. The first phase should review FAA's compliance with requirements relating directly to ongoing certification activities relating to the 737 MAX. In particular, the first phase of review should include a review of the FAA's compliance with ACSAA sections 106 (Limitation on Delegation), 107 (Oversight of Organization Designation Authorization Unit Members), 110 (Appeals of Certification Decisions), and 116 (Flight Crew Alerting). With regard to section 110 compliance, the provision required the issuance of a policy within 60 days after enactment of ACSAA, but a final policy only became effective recently on January 1, 2023. OIG should review any action the FAA has taken in the meantime to provide transparency regarding communications between Boeing and FAA senior executives.

The second phase of review should evaluate FAA's compliance with other sections of ACSAA that the Committee considers to be highly important for the long-term improvement of FAA's system. In particular, the second phase should address FAA's compliance with Sections 102 (Safety Management Systems), 105 (Disclosure of Safety Critical Information), 115 (System Safety Assessments and Other Requirements), 117 (Changed Product Rule), 121 (Implementation of Recommendations), and 122 (Oversight of FAA Compliance Program). The

Committee would also appreciate OIG's evaluation of FAA's compliance with other provisions of ACSAA that the OIG determines to be highly significant.

In making this request, the Committee recognizes that the ACSAA imposed requirements on the FAA that significantly shifted its relationship with industry by requiring more rigorous oversight and regulation than FAA had previously provided. In performing its evaluation, the OIG should focus especially on whether FAA is appropriately responding to congressionally mandated aviation safety reforms.

Thank you for the Department's commitment to achieving the highest level of safety and for your attention to this issue.

Sincerely,

A handwritten signature in blue ink that reads "Maria Cantwell". The signature is written in a cursive, flowing style.

Maria Cantwell
Chair