

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

*Full Committee
FAA Nomination Hearing
October 4, 2023*

DEMOCRATIC QUESTIONS FOR THE RECORD
Michael Whitaker

COVER PAGE

CHAIR MARIA CANTWELL (D-WA)

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.

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

Answer: Maintaining the highest standards of safety that the traveling public expects is the top priority and challenge for the agency. This involves providing adequate staffing in key functions, ensuring operators are compliant with current standards, and constant diligence in analyzing safety data to identify emerging threats and working with system users to mitigate those threats.

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

Answer: To ensure the U.S. sets the global gold standard for aviation safety, the FAA will need to lead through excellence. If confirmed, I will ensure the agency continues to prioritize implementation of the Aircraft Certification, Safety, and Accountability Act (ACSAA) and any subsequent authorization. Implementation of ACSAA is not just about completing the directives in each section but incorporating the spirit of the law throughout the agency. That means promoting transparency and insisting on thorough and uncompromising oversight of all regulated entities. It also means being a leader internationally to promote strong safety standards throughout the world and providing assistance to foreign Civil Aviation Agencies who may need it. I will work to build an organization that can meet the challenges of safely incorporating new users and technologies – small unmanned systems, advanced air mobility, distributed electric propulsion, commercial space – into the busiest and safest air space system in the world. This will also involve building a culture of continuous improvement to allow us to achieve a level of operational excellence as a regulator and an air traffic systems operator that ensures the FAA and U.S. companies maintain their long-established global leadership in aviation and aerospace.

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.

4. How would you ensure FAA develops and maintains a regulatory environment that puts safety first and listens to the voices of line aviation safety professionals?

Answer: 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.

Rulemaking

ACCSAA contains several requirements for FAA to engage in rulemaking to adopt new regulations, and reviewers of the 737-MAX accidents have recommended several other regulatory changes. But in some cases, FAA's response has been to seek alternatives to rulemaking because rulemaking is difficult and time-consuming.

1. If confirmed, what will you do to refocus FAA's efforts on adopting necessary regulatory changes and to improve the efficiency of this process?

Answer: If confirmed, I would examine ways to streamline the areas of the rulemaking process that the FAA controls, in accordance with the Administrative Procedures Act. To the extent possible, I will work within the FAA and with DOT and OMB to try to limit delays, and I will communicate progress with the Committee.

Improving FAA Safety Culture

Section 132 of the safety reform law requires the Administrator to conduct an annual safety culture assessment, through fiscal year 2031. This includes surveying all employees in the FAA's Aviation Safety organization ("AVS") to determine their opinions regarding AVS' safety culture and implementation of any voluntary safety reporting program.

FAA has only completed one safety culture assessment so far – despite the Congressional mandate for an assessment to be conducted each year.

1. I fully expect FAA will be completing and reporting safety culture surveys to Congress on time moving forward. Do I have your commitment to get this done?

If confirmed, I will determine the status of these safety culture surveys and ensure that going forward the FAA will complete and report safety culture surveys to Congress on time.

2. The 2022 survey identified what the workforce considered serious weaknesses in FAA senior leadership performance. Specifically, employees identified slow decision-making and action from leadership, and a lack of transparency surrounding the logic behind decisions. Employees said when they identify problems their immediate supervisors normally help to correct them, but when looking beyond the direct supervisor level of leadership, results indicate a fear of blame for mistakes. If confirmed, what immediate actions would you take to address this issue?

If confirmed, I will review the safety culture survey results in depth with the Office of Aviation Safety. 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 safety mission.

Ensuring Supply Chain Compliance

In December 2021, the Committee released its Aviation Safety Whistleblower report which highlighted instances of line engineers with specific technical expertise who were not listened to during the certification process for the 737 MAX and 787 programs. Certain whistleblowers, including a senior engineer at Boeing, stressed warnings of supply chain non-compliances as part of the 787 project that were still not adequately addressed by Boeing or the FAA. Earlier this year, Spirit Aerosystems experienced production issues relating to Boeing 737 fuselage components, raising safety questions about such defects. Instances like these elicit serious concerns about aircraft manufacturing supply chains and whether FAA is exercising sufficient safety oversight to ensure that the production process and supply chains are safe and reliable.

1. If confirmed, do you commit to conducting strong FAA safety oversight and ensuring robust compliance throughout the aircraft manufacturing process and supply chains?

Answer: If confirmed, I will commit to conducting FAA safety oversight and ensuring robust compliance throughout the aircraft manufacturing process and supply chains.

Raising International Safety Standards

The United States is in the midst of a global, competitive race for the future of aviation. From fostering the scalable production of sustainable aviation fuel, to investing in thermoplastics and composite materials and building the next great commercial aircraft, the United States must lead the way in order to maintain our competitive edge. Aviation has an important contribution to the economy. In the U.S., aviation contributes approximately 5 percent of GDP, supporting nearly 11 million jobs. It also is apparent that other countries will look to aviation to boost their connectivity and jumpstart their economies.

While we embrace this competition in the United States, we also need to make sure that the United States is working with the international aviation community to raise safety standards across the globe. Safety standards at ICAO, like those at the Federal Aviation Administration (FAA), can never slip and must always improve.

1. How can the FAA better work with civil aviation authorities around the world to ensure the highest standards of safety throughout the system?

Answer: If confirmed, I will use my over 30 years of experience in aviation, many of those years working on aviation issues internationally, to work with civil aviation authorities around the world to ensure the highest standards of safety throughout the system. Whether it is through the IASA program, the provision of technical assistance or participation and leadership at ICAO, the FAA has tools to collaborate with our international partners to promote safety around the world. Utilizing those tools effectively would be a priority.

2. Do you agree that the FAA should increase safety oversight over the maintenance of U.S.-registered aircraft abroad?

Answer: I agree that FAA should follow its commitment to “one level of safety” to include safety oversight over the maintenance of U.S.-registered aircraft abroad consistent with safety oversight over the maintenance of U.S.-registered aircraft here in the U.S.

3. ICAO is critical for establishing global safety standards. What can FAA do to ensure that we are raising standards at ICAO on pilot training when facing trends towards automation and greater “efficiency” on the flight deck?

Answer: If confirmed, I will determine the status of ICAO discussions related to pilot training to ensure the U.S. maintains a critical leadership role as ICAO determines global safety standards for pilot training.

FAA Certification Projects and Workforce

1. If confirmed, do you commit to providing the Committee a briefing on the Federal Aviation Administration’s major outstanding certification projects involving commercial and general aviation programs?

Answer: If confirmed, I will commit to providing the Committee a briefing on the FAA’s major outstanding certification projects involving commercial and general aviation programs.

2. The FAA certification process is critical to ensuring the safety and competitiveness of the commercial aviation industry. If confirmed, how would you ensure that the FAA recruits and retains adequately skilled and well-trained certification staff to appropriately and efficiently review and approve new aircraft designs, technologies, and safety measures?

Answer: If confirmed, I will use all available means to increase qualified staffing of these certification staff, as well as inspectors and other safety professionals.

Near-Miss Safety Incidents

Aviation safety is at a critical waypoint. With workforce challenges, a faster-than-expected recovery in passenger demand, and the lag in training new pilots and controllers, the U.S. air transportation system is under stress. Over the past year, there has been an uptick in reported near-misses and close calls.

In March, the FAA convened a Safety Summit to take a serious look at these incidents and determine the actions that need to be taken in order to maintain the nation's strong record in safety. Following this summit, the FAA took further action to examine strategies to improve the safety of the national airspace system, including convening an independent safety review team.

1. What are your plans for addressing emerging safety trends or underlying root causes that are giving rise to these near-miss incidents?

Answer: If confirmed, I will immediately engage with relevant agency leaders including those in the Air Traffic Organization, Aviation Safety Organization and Office of Airports as well stakeholders to hear their perspectives on the increase in events earlier this year as well as their views on the most effective mitigations to avoid these events going forward. FAA announced a goal after the Safety Summit to reach zero close calls going into the future and I want to make sure we're taking the right policy actions and making the right investments to support that goal.

2. Technology can play an important role in addressing close calls. What is your view on further implementing technologies such as airport surface surveillance systems, like ASDE-X, and aircraft collision avoidance warnings in reducing the risks to commercial aviation?

Answer: I support additional use of technology and agree it can play an important role in addressing close calls. I understand the Air Traffic Organization is moving toward making investments in the deployment of additional systems and if confirmed I would look forward to working with them on that effort.

3. Many of these incidents come to light through voluntary disclosures into reporting systems maintained by the FAA and NASA, such as the Aviation Safety Reporting System (ASRS), the Aviation Safety Action Program (ASAP), and Service Difficulty Reports (SDRs). If confirmed, will you keep on top of this data and close the loop on any identified reports and safety trends?

Answer: If confirmed, I will stay on top of this data and close the loop on any identified reports and safety trends.

4. The FAA continues to improve the Aviation Safety Information and Sharing (ASIAS) database, including incorporating rotorcraft data and voice data from air traffic control to support safety analyses. Pursuant to the Act, FAA has worked with the Transportation Research Board to identify, categorize, and analyze emerging safety trends in aviation and completed the first required report in August 2022. FAA has also partnered with the National Aeronautics and Space Administration to establish the framework for real-time data monitoring. If confirmed, will you commit to prioritizing the emergency safety trends report in cooperation with TRB, take action to address any safety trends identified by this report, and keep Congress informed of these efforts?

Answer: If confirmed, I commit to working with FAA's Aviation Safety Organization to ensure necessary actions are taken to address safety trends whether they are identified by TRB or stakeholders using other reporting tools (i.e. ASRS, ASAP, SDRs, etc).

Airplane Fuel Efficiency Certification Rulemaking

In June 2022, FAA published a notice of proposed rulemaking on Airplane Fuel Efficiency Certification. This is an important step towards ensuring U.S. manufactured aircraft remain competitive as international aviation emissions policies continue to develop. The rule will also bring us one step closer to reducing the amount of greenhouse gas emissions released by commercial airplanes and reaching the President's goal of net-zero greenhouse gas emissions from the U.S. aviation sector by 2050.

The FAA previously committed to finalizing this rule in the first quarter of this calendar year, but that timeline was pushed back into later in 2023. The European Union is ahead of the U.S.; it adopted its implementing regulations nearly 4 years ago and has begun to certify aircraft accordingly. Without a final rule, in addition to the environmental impacts, the FAA cannot move forward with certifying aircraft to the new standards, putting the U.S. commercial aviation industry at a competitive disadvantage in the global market.

1. If confirmed, will you work to ensure that this rule is finalized by FAA as promised by the end of 2023?

Answer: Understanding that rulemaking timelines can be affected by factors outside of the agency's control, if confirmed, I will work toward finalizing this rule this year.

U.S. Flight Operations by Foreign Air Carriers

U.S. law provides that only U.S. owned and controlled carriers may market and provide air transportation between U.S. points. However, there have been concerns raised of air carriers that are subject to apparent foreign control, including with respect to offshore wind aircraft operations. The Department of Transportation (DOT) is chiefly responsible for overseeing compliance with foreign ownership and control laws. However, the FAA, in cooperation with the

DOT, can play a role in helping to address any instances of non-compliance with these laws and ensuring the safety and security of the national airspace system.

1. If confirmed, will you commit to aggressively investigate and prevent foreign controlled companies from operating between two U.S. points, consistent with U.S. law?

Answer: If confirmed, I commit to aggressively enforcing U.S. law including laws related to cabotage.

Remote Towers

For more than 16 years, remote towers have been researched by the FAA for use in the NAS while they have been operational in Europe for almost a decade. The 2018 FAA Reauthorization bill included a pilot program to test and evaluate remote towers in small communities. However, the FAA never fielded all six pilot sites that were authorized.

1. What is your perspective on the value of remote towers as a means to provide air traffic control services to communities that are currently underserved?

Answer: The safe and reliable use of remote towers is something I believe the agency should continue to research and work in good faith with remote tower operators to determine if there are systems that can meet safety and reliability standards that pilots, crew and passengers count on.

2. If confirmed, will you work to ensure that the FAA will utilize performance-based standards to advance this technology consistent with standards that the FAA was a party to in the development of standards developed by the European Organisation for Civil Aviation Equipment (EUROCAE)?

Answer: As, I stated above, I believe the agency should continue to research and work in good faith with remote tower operators to determine if there are systems that can meet safety and reliability standards that pilots, crew and passengers agree on. This can include the standards developed by the European Organisation for Civil Aviation Equipment.

3. If confirmed, will you commit following the FAA's formal Advisory Circular process, ensuring that it is transparent to stakeholders and provides notice and opportunity to comment?

Answer: If confirmed, I will commit to ensuring the FAA follows a transparent process that provides notice and opportunity as appropriate and consistent with the Administrative Procedures Act.

SENATOR BRIAN SCHATZ (D-HI)

1. Please explain the impact of prior government shutdowns and austerity policies on the implementation of NextGen improvements.

Answer: If confirmed, I will work with the Office of NextGen to seek more specifics but I recall broadly that previous lapses in appropriations have resulted in the agency delaying funding decisions and further segmenting projects having the cumulative affect of delaying delivery of certain capabilities including Enroute Datacomm and deployment of PBN procedures.

2. Airports in Hawaii, including Honolulu airport, are threatened by sea level rise and other natural hazards. Senator Budd and I have a bill that would make resiliency projects eligible for Airport Improvement Program funding.

Please describe how you will approach this problem as Administrator. Will you commit to directing the FAA to provide guidance, technical assistance, direction, and—to the extent possible—funding, to airports struggling to address sea level rise and other natural hazards, if you are confirmed?

Answer: Yes, I will commit to working with the Office of Airports leadership to update relevant guidance and provide direction, assistance, and to the extent possible, funding for airports pursuing resiliency projects.

3. Unfortunately, Hawaii is disproportionately affected by air tour crashes. It has been a long road to push the FAA to make safety improvements and I hope with the coming reauthorization we will do so by passing my *Air Tour and Sport Parachuting Safety Improvement Act of 2023*. What more can the FAA do improve air tour safety as current authorities stand? If passed and if you are confirmed, do I have your commitment to quickly implement the provisions in my air tour safety bill?

Answer: If the bill is enacted and I am confirmed, I commit to quickly implement the provisions in your air tour safety bill. Beyond that, if legislation is not adopted, I commit to working with you to make progress. Using current authorities, the FAA can pursue an SMS requirement for Part 135 operators and can utilize expertise through Aviation Rulemaking Committees to seek recommendations on some of the topics covered in your legislation.

4. Relatedly, air tour noise is a serious quality of life issue for many of my constituents. I have been working to include my *Hawaii Air Tour Management Act*, in its amended

form, in the FAA reauthorization. What more could the FAA do to better manage air tours over my constituents under current authorities than it is currently doing? If you are confirmed and my bill passed, will you commit to quickly implementing its provisions?

Answer: If the provision is enacted and I am confirmed, I commit to quickly implement it. I would need to get more fully briefed on the operations specific to Hawaii, but broadly I can say robust engagement with Hawaii DOT leadership and operators in the state is something the agency should do to seek a mutually agreeable path forward.

5. The FAA is currently undergoing an airspace modernization process for the airspace over Hawaii. Do you commit to a thorough stakeholder engagement process and to work with me to coordinate the FAA's efforts with critical Hawaii airspace stakeholders, if you are confirmed?

Answer: If confirmed, I do commit to a thorough stakeholder engagement process and to work with you to coordinate the FAA's efforts with critical Hawaii airspace stakeholders.

SENATOR GARY PETERS (D-MI)

Fuel Efficiency Certification Rulemaking

In June 2022, the Federal Aviation Administration (FAA) published a notice of proposed rulemaking on Airplane Fuel Efficiency Certification. This is an important step in codifying greenhouse gas emissions standards developed by the International Civil Aviation Organization. Finalizing this rule is necessary to ensure that U.S. airplane manufacturers can compete on the global market. Without a final rule the FAA cannot move forward with certifying aircraft to the new standards, seriously disadvantaging the U.S. commercial aviation industry.

Finalizing the rule will also ensure we continue to move in the right direction on emissions standards in the aviation sector. The FAA previously committed to finalizing this rule in the first quarter of this calendar year, but that timeline was pushed back into later in 2023.

1. If confirmed, will you work to ensure that this rule is finalized by the end of 2023?

Answer: Understanding that rulemaking timelines can be affected by factors outside of the agency's control, if confirmed, I will work toward finalizing this rule this year.

SENATOR TAMMY DUCKWORTH (D-IL)

FAA Oversight of Aircraft Certification

The deadly Boeing 737 MAX scandal shattered our confidence in FAA's ability to safely certify aircraft. FAA's failure to effectively oversee the Boeing employees that conducted certification work on the agency's behalf is a key reason why Congress passed legislation that requires FAA to rigorously vet the corporate employees it authorizes to conduct such work.

The enclosed internal Boeing memo (Enclosure 1) demonstrates why this is so important. It documents an effort to conceal the existence of the MCAS system by hiding it within the existing Speed Trim System.

The memo provides a clear motive: *"If we emphasize MCAS as a new function there may be a greater certification and training impact."*

This is corporate-speak that expresses the fear if regulators discovered a new safety critical system, 737 MAX pilots might be required to undergo costly simulator training.

Perhaps most outrageous, toward the bottom of the memo, it shows that FAA's "Authorized Representative" was not only fully read into this plan to hide the existence of MCAS from a regulator, but he or she concurred with the plan.

1. Do you agree that an FAA-authorized representative concurring with a plan to mislead a regulator about the true nature of a new safety critical system is unacceptable?

Answer: FAA-authorized representatives and Organization Designation Authorization (ODA) unit members represent the FAA and as such any involvement with plans to mislead the FAA or any other regulator about the true nature of a safety critical system is unacceptable.

2. Will you commit to ensuring that any FAA designated representative found to have engaged in such improper conduct is permanently disqualified from ever serving in such an important role?

Answer: Utilizing the tools provided by the Aircraft Certification, Safety, and Accountability Act, I will ensure improper conduct by ODA unit members is not tolerated including disqualifying unit members and possible removal of a company's ODA status.

Airspace Safety and FAA's Air Traffic Legacy System Resiliency

As a pilot, one thing you learn is that a safety system should never be left vulnerable to a single point of failure. Never. Redundancy saves lives. In January of this year, the FAA's NOTAM system outage caused more than 10,000 flights to be delayed or cancelled. We know the FAA,

and many stakeholders in the air travel system, use computer systems that are single threaded and based on very old technology. It is FAA's job to keep our airspace safe, but it is impossible for FAA to do this unless its systems have appropriate operational redundancies.

Our nation needs a strong FAA leader who will reject complacency and examine these legacy aviation systems that create operational risk and address these issues with a sense of urgency and an investigative approach to get to the root cause(s). This includes runway safety technologies, many of which are beyond their service life and need to be replaced, in addition to adding new runway safety technologies at locations that do not have it. It is a hard balance because we also need to be focused on building a roadmap for the future of all the new technologies.

1. Will you commit to a thorough review of Air Traffic Organization's legacy systems to ensure operational risk is planned and mitigated and if so, when could we expect to see resiliency plans in place?

Answer: If confirmed, I will ensure the review of the Air Traffic Organization's legacy systems continues. Because of the volume of legacy systems, I cannot predict how long it will take to implement resiliency plans or whether the FAA will have all of the resources to do so, but I will keep the Committee informed of progress.

Preparation for Advanced Aviation Mobility

We know there is an influx of new aircraft entering into the airspace in the next five years. The Advanced Air Mobility Market was estimated to be \$8.2 billion in 2022 and is expected to hit around \$68.1 billion by 2032. It is poised to grow at an annual growth rate of 35.2% from 2022 to 2032. We know that we want the U.S. to be at the forefront of this manufacturing and in a position to export this new technology worldwide.

1. What are the FAA's biggest challenges you hope to address with Advanced Air Mobility and what can Congress and this Committee do to support this important growing sector?

Answer: Finalizing the initial operational regulatory framework to support near term operations and integration into the National Air Space without disruption to legacy users of the system. Certification of these new vehicles is occurring using the existing certification framework and I know Congress has been explicit in its direction that the agency resource this effort in a way to facilitate certification of the first vehicle by December 2024. Critically, in the context of both certification of the vehicle and all aspects of the operation, the FAA must provide robust oversight and demand adherence to safety standards consistent with the agency's longstanding commitment to "one level of safety."

Sustainable Aviation Fuel

The Biden Administration's Sustainable Aviation Fuel (SAF) Grand Challenge has a goal to supply at least 3 billion gallons of SAF per year by 2030 as part of its broader effort to decarbonize the transport sector by achieving a 50% reduction in life cycle greenhouse gas emissions compared to

conventional fuel. This government-wide Memorandum of Understanding (MOU) launched with Department of Energy (DOE), Department of Transportation (DOT) and U.S. Department of Agriculture (USDA) also has the goal of the SAF industry meeting 100% of aviation fuel demand at around 35 billion gallons per year by 2050.

Aviation is one of the hardest-to-abate sectors when it comes to reducing lifecycle emissions and SAF is currently the only way to decarbonize the industry at pace and at scale, which will require utilizing a wide range of feedstocks. According to the International Air Transport Association (IATA) total production of sustainable aviation fuel tripled in 2022, reaching at least 300 million liters or about 79.3 million gallons. The majority of this SAF's feedstock includes fats, oils and greases, followed by other biomass feedstocks, energy crops, crop and forestry residues and other waste. Therefore, without agriculturally derived feedstock, the production of SAF volumes plummets.

IATA states that government policy will be instrumental in SAF deployment, "the SAF industry is on the verge of an exponential capacity and production ramp-up by 2030, with the right supporting policies." IATA continues, "governments need to put in place SAF production incentives similar to what is already in place for biogas and biodiesel" but that these policies should be "technology and feedstock agnostic" and should "only be used if they are part of a broader strategy to increase the production of SAF".

It seems that the President and Agriculture Secretary Tom Vilsack among others, agree that agricultural feedstock plays a critical role in the future of our domestic SAF production and is critical to us meeting our SAF production and emissions goals. Secretary Vilsack stated the "(Grand Challenge) charts out actions to ensure crops used for fuel—that are grown here at home by hard-working Americans—can create opportunities for American farmers, business owners and rural communities." Then in August, President Biden stated "Mark my words: the next 20 years, farmers are going to be providing 95% of all the sustainable airline fuel."

Yet efforts by some fringe environmental groups seek to ban agricultural feedstock SAF by preventing multiple models from being used to calculate lifecycle carbon emissions including, DOE's commissioned, Argonne National Lab's GREET (Greenhouse gases, Regulated Emissions, and Energy use in Technologies) Model. Instead, preferring models that are notorious for not being "technology and feedstock agnostic."

Banning the aviation industry from the most accessible SAF options will prevent us from achieving our global emissions goals, President Biden's emissions goals, inhibit the U.S. from being the global leaders on SAF and deprives American farmers of the chance to contribute to a new clean energy market.

1. Do you agree with President Biden and Secretary Vilsack that agricultural feedstock SAF plays a critical role in the future of American SAF?

Answer: If confirmed, I will work closely within the Department and fellow federal agencies to ensure that we are aligned on the use of agricultural feedstock SAF as the FAA implements the SAF FAST grants and other programs as directed by Congress.

Enclosure 1

View Item: [redacted]

[redacted]

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6-FEB-2020 14:33:39

37MAXFCI-PDR AI22

Item Header:

Title: MCAS/Speed Trim
Primary Resp Person: [redacted]
Secondary Resp Person: [redacted]

Fix Need Date: 01-JUL-2013
ECD:
Phase: CLOSED Item is resolved, no further action required
Model: 737 MAX -8

Information Last Modified: 27-JUN-2013 10:46:49 US(Pacific)

Item Progress:

Date	Resp Person	Type	Attachments	Last Updt (USPac)
21-MAY-2013	[redacted]	ORIG	N	24-MAY-2013 08:38:21

Problem Statement: Every new buzzword represents a company and airline cost via changed manuals, changed training, changed maintenance manuals.

Recommended Action: Investigate deletion of MCAS nomenclature and cover under the umbrella of 'revised speed trim'.

07-JUN-2013	[redacted]	ANALYSIS	N	07-JUN-2013 08:29:23
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6/7/13 Meeting Minutes:

- 1) GTTA left the name as MCAS but treated as analogous function as a speed trim type function.
- 2) If we emphasize MCAS is a new function there may be a greater certification and training impact.
- 3) Treat as an addition to Speed Trim.
- 4) Externally we would communicate it is an addition to Speed Trim.
- 5) Internally continue using the acronym MCAS (within variable names etc).
- 6) Work with AR on certification perspective to ensure this strategy is acceptable.
- 7) Make sure EASA Fam Tech presentation is consistent with intent that MCAS is an addition to Speed Trim.

07-JUN-2013	[redacted]	PROP_RES	N	21-JUN-2013 09:25:42
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After speaking with the Autoflight AR, concurrence was provided that we can continue to use the MCAS nomenclature internally (variable names, etc) while still considering MCAS to be an addition to the Speed Trim function. This will allow us to maintain the MCAS nomenclature while not driving additional work due to training impacts and maintenance manuals.

27-JUN-2013	[redacted]	PROP_RES	N	27-JUN-2013 10:37:24
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Accepting team analysis on keeping MCAS nomenclature. Item can be closed.

27-JUN-2013	[redacted]	CLOSURE	N	27-JUN-2013 10:46:49
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Action Item is complete and is closed.

Cross Reference:

SENATOR JON TESTER (D-MT)

Contract Tower Staffing

1. During the hearing you talked extensively about the nationwide shortage in air-traffic controllers (ATCs) and the actions FAA is taking to increase its ATC workforce. In anything, the staffing situation at airports served by FAA Contract Towers (FCTs) is event more dire. FAA's baseline staffing levels for its busier FCTs are well short of the levels at comparable FAA-operated towers. To drive the point home, Montana's three busiest airports by passenger counts are served by FCTs. Their staffing levels are half of what the FAA-operated towers in the state are allocated. On top of that, these are high cost-of-living areas, making it very challenging to keep positions filled. It's an untenable situation that is putting safety at risk.

As the FAA addresses the nationwide air traffic controller shortage, how will you work to make sure that FCTs are also able to recruit and maintain staff at levels appropriate to maintain safe operations? Can I get your commitment to review the FCT program to ensure that airports within the program are receiving ATC service that is comparable to FAA-operated towers?

Answer: If confirmed, one of the first things I would do is sit down with the Air Traffic Organization to clearly understand the issues you raised related to the contract tower program, and in particular a path to ensuring staffing levels that fit the demand.

Public Charter Rulemaking

1. The FAA recently issued a Notice of Intent related to a potential future rulemaking on public charter operations. An FAA rulemaking effort on this topic is important and timely, but rulemaking is a slow process and in the meantime the pressure to increase air operations using the current regulatory framework has been intense, with multiple requests awaiting DOT or FAA decision.

How do you intend to address current requests pending before FAA that relate to public charter operations while the related rulemaking process is ongoing?

Answer: It is my understanding that the Department reviews any pending Part 380/public charter operations requests. If confirmed, my focus will be on FAA's role as a safety regulator for public charter and any other aircraft operations.

SENATOR KYRSTEN SINEMA (I-AZ)

Contract Tower Program

The contract tower program is widely popular, enjoying broad bipartisan and bicameral support with 262 facilities in 46 states. Unfortunately, air traffic controller (ATC) staffing shortages are plaguing the system and these problems are made much worse in high-traffic, complex air space.

Arizona is home to Phoenix-Mesa Gateway Airport, the busiest contract tower and the 37th busiest tower overall in the country. Gateway sits in a major metropolitan area and was built entirely to FAA specifications, but cannot today become an FAA-staffed tower. Gateway is the largest, but this problem is seen throughout the country and will only get worse, particularly in areas sure to grow.

Under current law there is no mechanism for contract towers to become FAA-staffed towers. This leads to safety issues when there are not ATCs available to run the towers – often during periods of active takeoffs and landings. I understand this committee has received whistleblower complaints addressing these safety concerns and we have heard them from our constituents.

1. Do you agree that the time has come to consider amendments to aspects of the contract power program, including minimum staffing requirements, ATC compensation, or piloting a program that would allow existing contract towers to convert into FAA staffed towers?

Answer: If confirmed, one of the first things I would do is sit down with the Air Traffic Organization to clearly understand the issues you raised related to the contract tower program, and in particular a path to ensuring staffing levels that fit the demand, compensation, and the conversion of contract towers into FAA staffed towers.

Aircraft Noise

I have heard from my constituents in Phoenix, Scottsdale, Tempe, and nearby areas 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.

1. If confirmed, what will be your approach to community outreach as the FAA considers flight paths in Arizona and across the country?

Answer: 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.

Bipartisan Infrastructure Law Implementation

As you may know, I was a lead negotiator on the Bipartisan Infrastructure Law (BIL). Since the law was signed into law in November 2021, I have been focused on ensuring smooth and efficient BIL implementation. For example, through BIL funding in 2022, Phoenix Sky Harbor International Airport has received over \$41 million and Tucson International Airport has received over \$6 million.

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

Answer: 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.

SENATOR BEN RAY LUJÁN (D-NM)

1. During the hearing we discussed the importance of improving the calculation mechanism to correctly target staffing needs in our air traffic control system. I am following up with some additional background on the issue.

Currently, a “finance-driven” staffing model in the FAA’s annual Controller Workforce Plan (CWP) fails to use the latest data and incorporate all the various duties required of controllers, and thus does not fully reflect operational needs. If the FAA continues to use this “finance-driven” model, understaffing will continue to be an issue, because the hiring target for each center does not match the actual operational needs of the facility.

Last year, Acting Administrator Billy Nolen directed the FAA’s Air Traffic Organization (ATO) to restart the Collaborative Resources Workgroup (CRWG), to ensure they are partnering with the National Air Traffic Controllers Association (NATCA) to collaboratively determine the number of Certified Professional Controllers (CPCs) and Certified Professional Controllers in Training (CPC-ITs) needed to meet operational requirements at each ATO facility. Fortunately, the most recent CWP made some important changes, including fixing a previous issue in which the report did not distinguish between fully certified controllers and trainees.

However, the FAA did not adopt the recommended targets from the CRWG, relying instead on the “finance-driven” model they have traditionally used. The DOT Inspector General has been critical of the FAA’s work on staffing while they have used this calculation method, reporting in June: “FAA has made limited efforts to ensure adequate controller staffing at critical air traffic control facilities” and warning that “while the United States has one of the safest air traffic systems in the world, the lack of fully certified controllers, operational supervisors, and traffic management coordinators pose a potential risk to air traffic operations.”

I hope this additional sheds some light on the importance of supporting efforts to update and improve our air traffic control staffing. I am working with my colleagues to fix this issue through the FAA Reauthorization process, and I urge you to independently take on this issue if confirmed as FAA Administrator.

If confirmed, do you commit to working with me to address this issue?

Answer: If confirmed, I will work with FAA’s Air Traffic Organization and Office of Finance and Management, the National Air Traffic Controllers Association, and any other helpful experts on the issue of air traffic controller staffing numbers to ensure we have identified the appropriate staffing targets and strategies for meeting these targets.

2. Our aviation system is powered by the aviation workforce. Our pilots, ground crews, air traffic control, maintenance crews, flight attendants, customer service representatives—they are the reason we have the safest and most advanced aviation system in the history of the world.

They're also the ones who know firsthand what needs improvement in our aviation system. If the FAA is making decisions around safety, consumer protection, security, accessibility, technology—the labor community **MUST** be at the table.

We have seen what happens when companies do not heed the warnings and concerns of their workforce. It is vital that the FAA can work with stakeholders to prevent safety issues and operations failures when we have the tools and the knowledge to prevent them.

If confirmed, do you commit to working closely with labor unions and workers on the front lines when making FAA policy?

Answer: Safety will continue to be a priority for the FAA, and if confirmed, I will ensure that these safety discussions include all aviation stakeholders including the workforce and labor unions.

3. New Mexico's economy is powered by innovation. In our state, our national labs, research institutions, and small businesses work together to solve some of the nation's greatest challenges.

New Mexico is ready to take hold of new developments in aviation, especially when it comes to renewable energy alternatives that set us up for the future.

Can you speak to the importance of working with our airlines and airports to pursue advanced air mobility innovation and alternative-energy aircraft?

Answer: It is important, and I think we are already seeing airlines and airports partner with companies and programs to deliver advanced air mobility innovation and alternative energy aircraft. If confirmed, I would like to ensure the agency is focused on what's next, including new capabilities, new technologies, what that platform looks like, and how we incorporate not only advanced air mobility and alternative energy aircraft, but small UAS and commercial space and supersonic and other new entrants into the market.

4. I am a proponent that interagency coordination is key to good policymaking. Over the past three years, as the NTIA and FCC have worked to roll out 5G technology across our country, we've seen the consequences when our coordination fails.

- a. If confirmed, do you commit to working directly with the NTIA as that Agency continues to work to safely and efficiently optimize use of federal spectrum assets to support innovation and connectivity across America?

Answer: If confirmed, I will ensure the FAA continues to work directly with NTIA and other federal agencies on the use of federal spectrum assets. I will also ensure that in all of these discussions, the FAA is guided by securing the safety of the National Airspace System (NAS) and users of the NAS.

- b. If confirmed, do you commit to making a plan with other relevant agencies—including NTIA, FCC, and DoD—for the development and rollout of 6G technology?

Answer: If confirmed, I will commit to working with these partners and other relevant federal agencies as well as stakeholders for the development and rollout of 6G technology. I will also ensure that in all of these discussions, the FAA is guided by securing the safety of the National Airspace System (NAS) and users of the NAS.

SENATOR RAPHAEL WARNOCK (D-GA)

Advanced Air Mobility Airworthiness

Since July 2022, the FAA has made progress in developing standards to ensure that electronic Vertical Takeoff and Landing (eVTOL) aircrafts are safe to operate, that there is the necessary infrastructure needed to support their usage, and that pilots are certified to operate them.¹ Nearly one year ago, the FAA published proposed airworthiness criteria for certain companies developing eVTOL aircrafts.^{2,3} To date, the FAA has not yet finalized airworthiness criteria for these companies.

1. If confirmed as Administrator of the Federal Aviation Administration, what will you do to work with FAA staff and eVTOL manufacturers to streamline the agency's certification process?

Answer: If confirmed, I will work with the Aviation Safety Office to ensure the agency remains on track to type certify the first powered lift vehicle by December 2024 consistent with applicant expectations. I will also work with our career aviation safety professionals to determine if there are efficiencies to be gained in the process going forward while retaining critical safety standards. I will keep the Committee informed of the agency's progress.

Bilateral Aviation Safety Agreements

The FAA often uses bilateral aviation safety agreements to certify the airworthiness of aviation products imported and exported between different countries. As you know, the FAA plays a critical role in providing safety approvals for U.S.-made products and validating the safety approvals of foreign civil aviation authorities.⁴ When certifying a project, international civil aviation authorities often work closely with the FAA to verify compliance. However, foreign authorities are often inconsistent in the amount of time they take to review FAA compliance work, which delays the ability of U.S. manufacturers to get products to market outside the U.S. This lack of predictability in the validation process for U.S. manufacturers can lead to delayed exports and financial penalties.

1. If you are confirmed as Administrator, will you work with other civil aviation authorities to ensure that the certification work of the FAA is strongly supported abroad?

¹ <https://www.faa.gov/air-taxis>

² <https://www.federalregister.gov/documents/2022/12/20/2022-27445/airworthiness-criteria-special-class-airworthiness-criteria-for-the-archer-aviation-inc-model-m001>

³ <https://www.federalregister.gov/documents/2022/11/08/2022-23962/airworthiness-criteria-special-class-airworthiness-criteria-for-the-joby-aero-inc-model-jas4-1>

⁴ https://www.faa.gov/aircraft/air_cert/international/bilateral_agreements/overview

Answer: If confirmed, I will work with other civil aviation authorities (CAAs) and through the International Civil Aviation Organization (ICAO) to emphasize the importance of each country's adherence to our respective Bilateral Aviation Safety Agreements. It is important that CAAs - including the FAA – are free to insist on additional review when a legitimate safety need exists but to your point it is unacceptable to have extended timeframes become a routine practice.

Hypersonic Flight:

Since the Supersonic Transport Concorde aircraft was retired nearly 20 years ago, numerous companies in the United States and abroad have been developing new technologies that will allow civil and military aircraft to fly even faster, including at hypersonic speeds above Mach 5.⁵ Hypersonic technology is growing in importance as China and Russia invest heavily in the technology.⁶ Moreover, hypersonic air travel has the potential to transform markets and entire industries in the way that airplanes have done over the past century. It is important for the United States to lead in the development and implementation of cutting-edge technologies like hypersonic aircraft for both national security reasons and to ensure our aerospace industry continues to be source of high-paying jobs and economic prosperity in states like Georgia.

1. If confirmed as Administrator of the Federal Aviation Administration, how would you approach policymaking at the FAA for civil aviation technologies that are now under development so that the FAA will be ready certify and regulate the next generation of aircraft when the time comes?

Answer: I think we're at a point we need to talk about what's next -- new capabilities, new technologies -- what that platform looks like, and how we incorporate new entrants into the airspace while thoroughly addressing safety and environmental questions.

Sustainable Aviation Fuel

The Department of Transportation (DOT), in coordination with the Department of Energy and other federal government agencies, has committed to develop a comprehensive strategy for scaling up new technologies and the production of sustainable aviation fuels (SAF) through the “Sustainable Aviation Fuel Grand Challenge.”⁷ The SAF Grand Challenge has set a goal of scaling U.S. production of SAFs that achieve a minimum of 50 percent reduction in life cycle greenhouse gas emissions compared to conventional fuel to 3 billion gallons per year by 2030.⁸ The FAA will also be investing nearly \$300 million through the Fueling Aviation’s Sustainable Transition (FAST) grant program to build out infrastructure projects related to SAF production

⁵ <https://aviationweek.com/air-transport/investors-buy-commercial-hypersonic-plans>

⁶ <https://www.cnn.com/travel/article/china-hypersonic-flights-cmd/index.html>

⁷ <https://www.energy.gov/eere/bioenergy/sustainable-aviation-fuel-grand-challenge>

⁸ Ibid.

and the development of new aviation technologies to improve fuel efficiency and reduce emissions.⁹

1. If confirmed as Administrator of the Federal Aviation Administration, what steps will you take to uphold the commitments DOT has made in the SAF Grand Challenge government-wide Memorandum of Understanding?

Answer: If confirmed, I will ensure the FAA remains a committed partner with the Departments of Energy and Agriculture in pursuit of the commitments each entity made as part of the MOU. I understand that the FAA recently opened the SAF FAST notice of funding opportunity. If confirmed, I will ensure these grant awards are issued as expeditiously as possible.

Near Misses:

In recent months, several notable and high visibility near-miss events have occurred in the National Airspace System. The frequency and the potential severity of these events has raised concerns at the FAA and throughout the aviation community. According to the New York Times, close calls involving commercial airlines have been happening, on average, multiple times a week.¹⁰ In March, the FAA responded to these worrisome statistics by hosting more than 200 safety leaders from across the aviation industry as part of a summit to discuss ways to enhance flight safety.¹¹ As the Senator representing the world's busiest airport in Atlanta's Hartsfield-Jackson International Airport, as well as over 100 public use airports, I am concerned about these apparent rise of these near-miss events considering volume of air traffic in and out of Georgia.

1. If confirmed as Administrator of the Federal Aviation Administration, will you commit to working to minimize these events?

Answer: If confirmed, I will prioritize addressing and preventing these near miss events.

ADS-B and ADS-C

The efficiency, safety, and sustainability of air travel continue to be key issues for the FAA and the global aviation community. The FAA's ability to provide surveillance in U.S. oceanic airspace, and the effectiveness of various technologies used to provide that surveillance, is an issue that affects each of the key issues. The FAA's ability to provide accurate surveillance in U.S. oceanic airspace allows for more fuel efficient, and thereby expedient, oceanic flights, as

⁹ <https://www.faa.gov/general/fueling-aviations-sustainable-transition-fast-grants>

¹⁰ <https://www.nytimes.com/interactive/2023/08/21/business/airline-safety-close-calls.html>

¹¹ <https://www.faa.gov/aviation-safety-call-to-action>

well as increased safety on such flights. Therefore, the importance of providing accurate oceanic surveillance cannot be overstated.

1. If confirmed as Administrator of the Federal Aviation Administration, will you commit to increasing airspace management efficiency in oceanic airspace using a performance-based approach that considers alternative technologies and comparable procedures?

Answer: ADS-B was one of my (and the talented FAA team that supported its development) greatest accomplishments as FAA Deputy Administrator. If confirmed, I will work with FAA's Office of NextGen and Air Traffic Organization to determine the current status of ADS-C.