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United States Senate

COMMITTEE ON COMMERCE, SCIENCE,
AND TRANSPORTATION

WASHINGTON, DC 20510-6125

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

JOHN KEAST, STAFF DIRECTOR
DAVID STRICKLAND, DEMOCRATIC STAFF DIRECTOR

July 31, 2019

Mr. Daniel Elwell
Acting Administrator
Federal Aviation Administration
800 Independence Avenue, Southwest
Washington, D.C. 20591

Dear Mr. Elwell,

The Senate Committee on Commerce, Science, and Transportation has received information from multiple whistleblowers alleging insufficient training and improper certification of Federal Aviation Administration (FAA) Aviation Safety Inspectors (ASI). While I appreciate your responses to my initial letter sent on April 2, 2019, the Committee's investigation requires additional information. I request that you provide the Committee with the following information no later than August 14, 2019:

A) FAA

1. Please provide all policies regarding the handling of whistleblower and retaliation investigations. Include Office of Audit and Evaluation (AAE) and other relevant division or office policies.
2. Is there a policy or directive requiring allegations of whistleblower retaliation to be reported between FAA offices? If so, please provide relevant documents.
3. Please provide Accountability Board policies and include selection criteria and membership information from calendar year 2012 to the present.
4. Please provide the FAA's policy for discipline management.
5. Please provide all organizational charts for FAA HQ, Flight Standards, AAE, Office of Equal Employment Opportunity (EEO) and Security. Please include all iterations from calendar year 2012 to the present.
6. Please provide all internal documents and communications related to the FAA Aviation Safety (AVS) organization's evaluation of the AAE File #IWB19801 report including, but not limited to, documents, emails and text messages.
7. Please provide all communications related to the Committee's April 2nd letter and efforts to draft the responses, including, but not limited to, documents, emails and text messages.
8. Please provide all emails, text messages and documents related to any whistleblower, retaliation, or discrimination case or concern involving [REDACTED], [REDACTED], [REDACTED], [REDACTED], [REDACTED], [REDACTED] and [REDACTED].

9. Please provide any policies related to the FAA Hotline and related investigations.

10. Please provide all training records, certifications, and check rides completed by

[REDACTED], [REDACTED], [REDACTED], [REDACTED], [REDACTED],
[REDACTED], [REDACTED], [REDACTED], [REDACTED], [REDACTED], [REDACTED],
[REDACTED], [REDACTED], [REDACTED], and [REDACTED].

B) FAA SECURITY

1. Please provide all FAA Security policies regarding the conduct of investigations, and include training requirements and investigative processes for staff investigators.
2. Please provide a summary list by year of all FAA Security investigations conducted from calendar year 2012 to the present including complainant and/or investigated employees' names, and the nature and status of the case. Please indicate if discrimination or retaliation was alleged or suspected and whether or not the case was shared/referred with EEO, AAE or Department of Transportation Office of Inspector General (DOT-OIG).

C) EEO:

1. Please provide all EEO policies and directives.
2. Please provide a yearly statistical summary of all FAA EEO cases from calendar year 2012 to the present to include case timeline, nature of complaint and status.
3. Please indicate if each case was referred from any other office such as FAA Security, Flight Standards, AAE, DOT-OIG etc.
4. Please indicate whether each case was shared or referred to any other office such as FAA Security, Flight Standards, AAE, DOT-OIG etc.

D) AAE

1. Please provide all AAE policies regarding the conduct of investigations, and include training requirements and investigative processes for AAE staff investigators.
2. Please provide a summary list of all AAE investigations conducted from their inception to the present, including party names and the nature and status of each case.
 - a. Please indicate if discrimination or retaliation was alleged or suspected and whether or not the case was shared/referred with EEO or DOT-OIG.

E) FLIGHT STANDARDS

1. Please provide policies and directives that govern Flight Standards Investigations.
2. Please provide a summary list of all Flight Standards investigations conducted from calendar year 2012 to the present including party names and the nature and disposition of each case. Please indicate if discrimination or retaliation was alleged or suspected and whether or not the case was shared/referred with EEO, AAE or DOT-OIG.

3. Please identify the AFS-100 Division Manager referenced on page 2 of the February 22 memo from Clayton Foushee to Acting Administrator Daniel Elwell included in the FAA's May 2nd response to the Committee. Please provide the memo, email or other communication which "*stopped all FSB activity for the Operations ASIs*".
4. Please provide all office environmental/climate surveys and reports from calendar year 2012 to the present. Include pending or scheduled surveys. Include internal and contracted efforts.
5. For those surveys and reports completed by contractors, please identify each contractor and associated contract solicitation and award to conduct environmental/climate surveys.
6. Please provide documentation for all check rides, certifications, training program and maintenance program approvals issued by the FAA Hawaii office for calendar year 2018 to the present.
 - a. Please provide complete formal and On the Job Training (OJT) training records for ALL Hawaii ASIs.
 - b. Please provide all outside training records that FAA has deemed as eligible to qualify ASIs in lieu of FAA required training. Include applicable waiver documents.
 - c. Please provide all documents, emails, notes, or material related to management overruling decisions of office staff regarding conduct of any inspections, check rides, certifications, training program and maintenance program approvals or other work product. Please summarize each instance of management's overruling staff to include related documentation and authority. Include all instances from calendar year 2012 to the present.
7. Please provide documentation for all check rides, certifications, training program and maintenance program approvals issued by FAA Alaska office for calendar year 2018 to the present.
 - a. Please provide complete formal and OJT training records for all Alaska ASI.
 - b. Please provide all outside training records that FAA has deemed as eligible to qualify ASIs in lieu of FAA required training. Include applicable waiver documents.
 - c. Please provide any documents, emails, notes, or related material and information related to management overruling decisions of office staff regarding conduct of any inspections, check rides, certifications, training program and maintenance program approvals or other work product. Please summarize each instance of management's overruling staff to include related documentation and authority.

F) SPECIFIC INVESTIGATIONS

1. [REDACTED] Investigation:
 - a) Please provide the un-redacted report of investigation (ROI). Include all drafts and versions.
 - b) Please provide all investigative material, including recordings, transcripts, notes, reports of interview, etc. from all involved investigators/interviewers.

- c) Please provide all communications pertaining to the investigation.
 - d) Please identify any additional investigations or inquiries which started as a result of the initial investigation. Provide items a, b and c above for each.
 - e) Please provide all communications from calendar year 2017 to the present between [REDACTED], [REDACTED], and [REDACTED] regarding [REDACTED] performance of check rides.
2. [REDACTED] Investigation
- a) Please provide the un-redacted ROI. Include all drafts and versions.
 - b) Please provide all investigative material, including recordings, transcripts, notes, reports of interview, etc. from all involved investigators/interviewers
 - c) Please provide all communications pertaining to the investigation.
 - d) Please identify any additional investigations or inquiries which started as a result of the initial investigation. Provide items a, b and c above for each.
3. [REDACTED] Investigation
- a) Please provide the un-redacted ROI. Include all drafts and versions.
 - b) Please provide all investigative material, including recordings, transcripts, notes, reports of interview, etc. from all involved investigators/interviewers
 - c) Please provide all communications pertaining to the investigation.
 - d) Please identify any additional investigations or inquiries which started as a result of the initial investigation. Provide items a, b and c above for each.

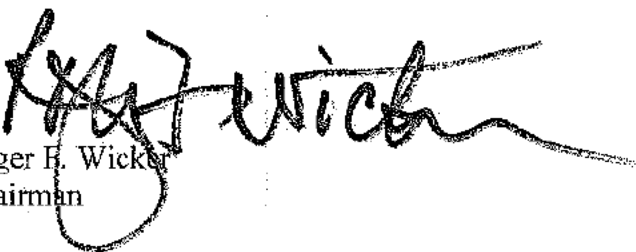
G) BOEING 737-MAX and GULFSTREAM VII Flight Standardization Boards (FSB)

- 1. Please provide all communications between Mark Forkner and FAA employees.
- 2. Please provide a response to whether the Boeing 737 MAX FSB and Gulfstream VII FSB issued Type Ratings and Certificates.
- 3. Please provide a detailed breakdown of all type ratings and certificates issued for the Boeing 737 MAX FSB and Gulfstream VII FSB by each employee since the beginning of the FSB to the present. Provide copies of supporting documents.
- 4. Please provide a response to whether all Boeing 737 MAX FSB and Gulfstream VII FSB participants completed the requirements for the Job Task Analysis (JTA) related to the duties assigned.
- 5. Please provide a response to whether all Boeing 737 MAX FSB and Gulfstream VII FSB participants had level 1, level 2, and level 3 OJT completed prior to participating in the FSB. This would include a closed 1023 Program Tracking and Reporting Subsystem (PTRS) for each JTA, and the equivalent FAA Academy courses.
- 6. Please provide complete formal and OJT training records for all Boeing 737 MAX FSB and Gulfstream VII FSB participants.
- 7. Please provide all outside training that would qualify ASIs in lieu of FAA required training and any related written approval.
- 8. Please provide documentation of any and all management review or evaluation of qualifications resulting in a waiver from training required by policy, regulation or order.

9. Please provide the policy or regulation that provides the authority for management to grant a waiver of formal training or OJT required by policy, regulation or order.
10. Was Maneuvering Characteristics Augmentation System (MCAS) evaluated by FAA Inspectors in any flight operations or training differences assessment?
11. If the MCAS was evaluated by FAA Inspectors, why was it not mentioned in the special emphasis section of the FSB report?
12. Did any FSB participants recommend adding MCAS as a special emphasis item?
13. Did any FSB participants disagree with either final FSB report?
14. Please provide all versions, including drafts, of the 737-MAX Flight Crew Operations Manual (FCOM). Include any manufacturer or carrier versions. Please include any additional documents that source the FCOM such as the Quick Reaction Checklist (QRC), Quick Reference Handbook (QRH) etc.
15. Please provide any documents, emails, notes or related material and information related to management overruling decisions of Aircraft Evaluation Group (AEG) or FSB staff regarding conduct of any inspections, check rides, certifications, training program and maintenance program approvals or other work product. Summarize each instance of a management overruling staff to include related documentation and authority.
16. Please provide all emails, text messages, and documents related to safety concerns, training, pilot certification and special emphasis items related to the Boeing MAX FSB and Seattle AEG.
17. Please provide a detailed breakdown of all type ratings and certificates issued outside of the FSB by Boeing 737 MAX FSB and Gulfstream VII FSB FAA employee members from calendar year 2012 to the present. Provide copies of supporting documents.

Thank you for your prompt and urgent attention to these requests. Please contact Robert Turner of the committee majority staff at (202) 224-1251 should you have any questions.

Sincerely,



Roger E. Wicker
Chairman

Cc: The Honorable Elaine Chao, United States Secretary of Transportation
The Honorable Calvin Scovel, III, Inspector General, U.S. Department of Transportation