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United States Senate

COMMITTEE ON APPROPRIATIONS

WASHINGTON, DC 20510-6025

<http://appropriations.senate.gov>

July 18, 2019

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

Dear Acting Administrator Elwell:

Following the Lion Air Flight 610 and Ethiopian Airlines Flight 302 crashes and the subsequent grounding of the Boeing 737-MAX aircraft, serious questions were raised about the process for certifying new aircraft. Among other things, we requested that the Department of Transportation's Inspector General (DOT IG) audit the certification process of the Boeing 737 MAX aircraft. We recognize the hard work that the FAA is doing to resolve the safety challenges with 737-MAX. It is also essential that the agency continue to work to address the concerns raised by stakeholders, the public, and members of Congress.

While we await the results of the ongoing investigations and reviews, we believe it is critical for the FAA to provide additional information to our Committee that will provide the necessary information in developing our FY 2020 Transportation, Housing and Urban Development, and Related Agencies (T-HUD) appropriations bill. In addition to responding to any outstanding follow-up questions from the Subcommittee's March 27, 2019 budget hearing, we ask that you submit a response to the following questions prior to July 30, 2019.

- 1) What specific review procedures is the FAA using to decide when the 737 MAX aircraft can return to service?
- 2) We are aware of numerous meetings and briefings the FAA has held with other foreign civil aviation authorities concerning the 737 MAX aircraft. Does the FAA intend to seek concurrence from foreign civil aviation authorities prior to lifting the grounding?
- 3) The FAA has also engaged with domestic airlines and pilot unions in its efforts to bring the 737 MAX aircraft back to service. What steps will the FAA take to ensure it has the confidence of domestic airline and pilot unions prior to lifting the grounding?

- 4) Over the last six years, the Subcommittee has consistently provided funding that was equal to or exceeded the President's budget request for FAA's aviation safety activities. In fact, over the last two years, we have provided more than a 4 percent increase above the budget request. How have the demands of responding to the 737 MAX crashes and grounding affected your safety resources? In your review of the FAA's aircraft certification processes, have you found any deficiencies in resources or personnel?
- 5) We understand that the crash investigations of Ethiopian Air Flight 302 and Lion Air Flight 10 currently underway by the National Transportation Safety Board (NTSB) and the investigation into aircraft certification for the 737 MAX being led by the IG are not expected to be completed for several months, if not longer. When these investigations are completed, and if either the NTSB or IG provide recommendations to the FAA or DOT, will the FAA commit to implementing all recommendations in a timely basis?
- 6) The IG previously investigated FAA's certification process in 2015 and issued nine recommendations. While the FAA has closed out eight of these recommendation, it has yet to develop and implement system-based evaluation criteria and risk-based tools to aid ODA team members in targeting their oversight. What actions are you taking to close this open recommendation? What is FAA's timing for closing this recommendation?
- 7) The FAA Reauthorization Act of 2018 requires several changes to the ODA (Organization Designation Authorization) program. Specifically, the law requires the FAA to create a centralized ODA office to provide oversight and consistency of the FAA's audit functions under the program. In the creation of this office, what changes will you be making to the existing ODA program? Will you commit to briefing the Committee prior to making any further changes?

Thank you for your attention to this matter. We look forward to your responses.

Sincerely,



Susan M. Collins
Chairman
Subcommittee on Transportation, Housing and
Urban Development, and Related Agencies



Jack Reed
Ranking Member
Subcommittee on Transportation, Housing and
Urban Development, and Related Agencies