

THE STATE OF AMERICAN AVIATION AND THE FEDERAL AVIATION ADMINISTRATION

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HEARING BEFORE THE SUBCOMMITTEE ON AVIATION OF THE COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE HOUSE OF REPRESENTATIVES ONE HUNDRED EIGHTEENTH CONGRESS

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CONTENTS

	Page
Summary of Subject Matter	vii
STATEMENTS OF MEMBERS OF THE COMMITTEE	
Hon. Garret Graves, a Representative in Congress from the State of Louisiana, and Chairman, Subcommittee on Aviation, opening statement	1
Prepared statement	3
Hon. Steve Cohen, a Representative in Congress from the State of Tennessee, and Ranking Member, Subcommittee on Aviation, opening statement	4
Prepared statement	5
Hon. Sam Graves, a Representative in Congress from the State of Missouri, and Chairman, Committee on Transportation and Infrastructure, opening statement	6
Prepared statement	7
Hon. Rick Larsen, a Representative in Congress from the State of Washington, and Ranking Member, Committee on Transportation and Infrastructure, opening statement	8
Prepared statement	10
WITNESS	
Hon. Michael Whitaker, Administrator, Federal Aviation Administration, U.S. Department of Transportation, oral statement	12
Prepared statement	14
SUBMISSIONS FOR THE RECORD	
Slides Submitted for the Record by Hon. Sharice Davids:	
Map of 1970s-Era Instrument Landing Systems in Operation in the National Airspace System	30
Hon. Davids' and Hon. Larsen's Colloquy on House Floor, December 9, 2021	31
Letter of August 17, 2022, to DOT Secretary Pete Buttigieg from Hon. Davids and Hon. Larsen	32
Letter of December 9, 2022, to Hon. Sharice Davids from DOT Office of the Secretary	33
Letter of December 11, 2023, to Hon. Michael Whitaker, Administrator, Federal Aviation Administration, from Hon. Jefferson Van Drew, Submitted for the Record by Hon. Jefferson Van Drew	40
Letter of November 6, 2023, to Hon. Pete Buttigieg, Secretary, U.S. Department of Transportation, from 70 Members of Congress, Submitted for the Record by Hon. Anthony D'Esposito	63
APPENDIX	
Questions to Hon. Michael Whitaker, Administrator, Federal Aviation Administration, U.S. Department of Transportation, from:	
Hon. Sam Graves	77
Hon. Garret Graves	79
Hon. Steve Cohen	85
Hon. Greg Stanton	86
Hon. Dina Titus	87



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U.S. House of Representatives
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FEBRUARY 2, 2024

SUMMARY OF SUBJECT MATTER

TO: Members, Subcommittee on Aviation
FROM: Staff, Subcommittee on Aviation
RE: Aviation Subcommittee Hearing on “*The State of American Aviation and the Federal Aviation Administration*”

I. PURPOSE

The Subcommittee on Aviation of the Committee on Transportation and Infrastructure will meet on Tuesday, February 6, 2024, at 10:00 a.m. ET in 2167 Rayburn House Office Building to receive testimony at a hearing entitled, “*The State of American Aviation and the Federal Aviation Administration*.” Members will receive testimony from Michael Whitaker, the Administrator of the Federal Aviation Administration (FAA). The hearing will focus on the challenges facing the FAA and the aerospace industry, the ongoing work of the agency, and the need for a long-term comprehensive FAA reauthorization bill.

II. BACKGROUND

FAA ROLES AND RESPONSIBILITIES

The primary mission of the FAA is ensuring civil aviation safety.¹ The FAA is responsible for certifying, monitoring, and regulating the safety and operations of the civil aviation sector, including airlines, general aviation, unmanned aircraft systems (UAS), airports, commercial space transportation, aeronautical repair stations, and aircraft manufacturers, as well as establishing licensing and training requirements for pilots and other aviation professionals.²

FAA LEADERSHIP & ORGANIZATION

To ensure continuity and stability at the FAA, the position of Administrator has a statutory five-year term. On March 31, 2022, then FAA Administrator Steve Dickson resigned just shy of three years into his term.³ Over the subsequent 18 months, the FAA did not have a Senate-confirmed Administrator and was led by two acting Administrators.⁴ President Biden nominated Michael Whitaker to be the

¹ FAA, *Mission*, (Last accessed Jan. 24, 2024), available at <https://www.faa.gov/about/mission>.

² See 49 U.S.C. § 106(g).

³ Dominic Gates, *It is time to go home: FAA chief Steve Dickson resigns*, THE SEATTLE TIMES, (Feb. 16, 2022), available at <https://www.seattletimes.com/business/boeing-aerospace/faa-chief-steve-dickson-resigns-effective-march-31/>.

⁴ Mark Walker & Kate Kelly, *Biden Names No. 2 Official at Transportation Department to Be F.A.A.'s Acting Leader*, N.Y. TIMES, (June 8, 2023), available at <https://www.nytimes.com/2023/06/08/us/politics/polly-trottenberg-faa.html>.

FAA Administrator on September 7, 2023, and the Senate unanimously confirmed him on October 24, 2023.⁵

During the 18 months the Agency lacked a confirmed Administrator, key offices within the agency experienced a significant number of senior leadership changes, including critical positions within five Lines of Business—Aviation Safety (AVS), the Air Traffic Organization (ATO), the Office of Commercial Space Transportation, the Office of Airports (ARP), and Security and Hazardous Materials Safety—as well as other various staff offices.⁶ This created a backlog of executives and managers in acting positions across the FAA. However, over the last few months the number of individuals in acting positions has declined as permanent positions are finally filled by the FAA.⁷

III. NOTEWORTHY ISSUES AND ONGOING ACTIVITIES

FAA’S WORKFORCE

For several years, the FAA and the aviation industry have reported a need for a right-sized and qualified FAA workforce commensurate with the agency’s responsibilities, particularly within AVS and ATO. In an independent report reviewing the Boeing 737 MAX accidents in 2018 and 2019, the Special Committee reviewing the FAA’s Aircraft Certification Process found that AVS’s “staffing levels need to be commensurate with the expected workload”⁸ and that “AVS should re-evaluate its workforce strategy to ensure it is sufficient to . . . adapt with [an] ever changing global aviation industry.”⁹ Separately, the FAA has also struggled to ensure air traffic controller (ATC) staffing levels adequately meet consumer demand.¹⁰ For example, in 2023, in an effort to reduce strain on the air traffic system, the Agency requested air carriers fly fewer flights in the Northeast United States than originally approved for, while simultaneously providing slot relief to air carriers that elected to do so.¹¹

These workforce issues were exacerbated by the COVID–19 pandemic. Following Federal guidance during the onset of COVID–19 and through negotiations with FAA’s unions, the FAA in March 2020 paused most on-the-job training, temporarily closed the ATC Academy in Oklahoma, and adopted a maximum telework posture.¹² Though the FAA resumed some controller training and reopened the Academy by summer 2020, its capacity was significantly limited due to reduced class sizes. For example, in 2019, 466 students attended en route training; whereas in 2021, only 209 students were in attendance.¹³ As a result of the totality of circumstances, including diminished throughput and the pace of controller retirements, the net gain

⁵ Press Release, THE WHITE HOUSE, *President Biden Announces Michael G. Whitaker as Nominee for Administrator of the Federal Aviation Administration*, (Sept. 7, 2023), available at <https://www.whitehouse.gov/briefing-room/statements-releases/2023/09/07/president-biden-announces-michael-g-whitaker-as-nominee-for-administrator-of-the-federal-aviation-administration/>; UNITED STATES SENATE, *Roll Call Vote 263*, 118 Cong. 1st Sess. (2023), available at https://www.senate.gov/legislative/LIS/roll_call_votes/vote1181/vote_118_1_00263.htm; see also 175 CONG. REC. S5153 (Oct. 24, 2023) (Roll Call Vote 263) available at <https://www.congress.gov/congressional-record/volume-169/issue-175/senate-section/article/S5153-1>.

⁶ *Id.*

⁷ FAA, *Flight Standards Service Key Officials*, (last updated Dec. 20, 2023), available at https://www.faa.gov/about/office_org/headquarters_offices/avs/offices/afx/officials; Kerry Lynch, *FAA Bill Takes Increased Urgency in 2024*, AIN, (Jan. 2, 2024), available at <https://www.ainonline.com/aviation-news/business-aviation/2024-01-02/faa-bill-takes-increased-urgency-2024>.

⁸ DEP’T OF TRANSP., OFFICIAL REPORT OF THE SPECIAL COMMITTEE TO REVIEW THE FEDERAL AVIATION ADMINISTRATION’S AIRCRAFT CERTIFICATION PROCESS (2022), available at <https://www.transportation.gov/sites/dot.gov/files/2020-01/scc-final-report.pdf>.

⁹ *Id.*

¹⁰ *Turbulence Ahead: Consequences of Delaying a Long-Term FAA Bill: Hearing Before the Subcomm. on Aviation of the H. Comm. on Transp. and Infrastructure*, 118th Cong., (Nov. 30, 2023) (statement of Rich Santa, President, National Air Traffic Controllers Association).

¹¹ Staffing-Related Relief Concerning Operations at Ronald Reagan Washington National Airport, John F. Kennedy International Airport, LaGuardia Airport, and Newark Liberty International Airport, October 29, 2023, Through March 30, 2024 (Winter 2023/2024) and March 31, 2024, Through October 26, 2024 (Summer 2024), 88 Fed. Reg. 64793 (Sept. 20, 2023) (to be codified at 14 C.F.R. pt. 93).

¹² OFFICE OF INSPECTOR GENERAL, DEPARTMENT OF TRANSPORTATION, *FAA FACES CONTROLLER STAFFING CHALLENGES AS AIR TRAFFIC OPERATIONS RETURN TO PRE-PANDEMIC LEVELS AT CRITICAL FACILITIES* (JUNE 21, 2023), available at <https://www.oig.dot.gov/sites/default/files/FAA%20Controller%20Staffing%20and%20Training%20at%20Critical%20Facilities%20Final%20Report-06-21-23.pdf>.

¹³ *Id.*

for the FAA's controller workforce was just 15 certified professional controllers in 2023.¹⁴

Since then, the FAA has made strides to improve its hiring, but the Agency must continue this trend and improve its training programs to meet the public's air travel demands. In 2023, the FAA hired 1,500 air traffic controllers in the training academy and announced plans to hire an additional 1,800 into the academy in 2024.¹⁵ Additionally, the FAA recently announced plans to further maximize the use of its air traffic controller academy and provide ancillary training in regional formats, amongst other initiatives.¹⁶

FAA TELEWORK AND TRAVEL

The FAA continues to utilize hybrid work arrangements more frequently than before the COVID-19 pandemic. In July 2023, the FAA's executive board emailed Agency personnel about plans to return the workforce to the office at least three days a week starting October 9, 2023.¹⁷ This initiative quickly stalled due to a labor disagreement. On November 28, 2023, the FAA's Management Board announced its plan to have telework-eligible employees report in-person to their official worksite an average of four days per pay period (two weeks) beginning January 28, 2024.¹⁸ This decision was based on focus groups and other engagement the Agency held with managers and labor groups, which highlighted the importance of balancing (1) enhanced collaboration from increased on-site presence, with (2) enhanced workforce recruitment from leveraging current workplace flexibilities.¹⁹

Stakeholders have also reported a noticeable reduction in the FAA's availability for in-person consultations, meetings, conference engagement, and international presence, which may suggest additional need for improvement in the FAA's approach to hybrid work arrangements as well as policies regarding FAA employee travel and site visitation.²⁰

RULEMAKING

The FAA consistently has a backlog of rulemaking activities, many of which stem from Congressional mandates, National Transportation Safety Board (NTSB) recommendations, identified safety concerns, or changes in aviation that warrant updates to related regulations.²¹ Rulemaking is a time-intensive process requiring cross-government coordination and almost always requiring an opportunity for public consultation and feedback.²² Currently, the FAA has dozens of ongoing rulemaking activities, some of which are long overdue. However, the Agency has also completed several others over the course of the last year.

For instance, higher profile rulemaking activities that are either ongoing or that have missed their Congressionally mandated timeframe include:

- *Safety Management Systems (SMS) for certain aircraft and part manufacturers, Part 135 operators, and tour operators under Part 91.* The FAA published the notice of proposed rulemaking (NPRM) in January 2023 and anticipates issuing

¹⁴ NAT'L AIR TRAFFIC CONTROLLERS ASSOCIATION, AIR TRAFFIC CONTROLLER STAFFING: 2011–2023 (2024), (on file with Comm.); NATIONAL AIR TRAFFIC CONTROLLERS ASSOCIATION, OVERVIEW: CRWG STAFFING MODEL V. FAA FINANCE (AFN) STAFFING MODEL (2024), (on file with Comm.).

¹⁵ David Shepardson, *US FAA hires 1,500 air traffic controllers but staffing challenges remain*, REUTERS, (Aug. 24, 2023), available at <https://www.reuters.com/business/aerospace-defense/us-faa-hires-1500-air-traffic-controllers-staffing-challenges-remain-2023-08-24/>.

¹⁶ Press Release, FAA, *FAA Takes Actions to Address Independent Safety Review Team's Recommendations*, (Nov. 17, 2023), available at <https://www.faa.gov/newsroom/faa-takes-actions-address-independent-safety-review-teams-recommendations>.

¹⁷ Peter Musurlian, *Teleworking FAA begins its descent toward the in-office tarmac*, FEDERAL NEWS NETWORK, (July 21, 2023) available at <https://federalnewsnetwork.com/federal-news/2023/07/teleworking-faa-begins-its-descent-toward-the-in-office-tarmac/>.

¹⁸ Email from FAA to Subcomm. on Aviation of H. Comm. on Transp. and Infrastructure (Jan. 29, 2024, 2:33PM) (on file with Comm.).

¹⁹ *Id.*

²⁰ *FAA Reauthorization: Enhancing America's Gold Standard in Aviation Safety: Hearing Before the H. Comm. on Transp. and Infrastructure*, 118th Cong., (Feb. 7, 2023); *Turbulence Ahead: Consequences of Delaying a Long-Term FAA Bill: Hearing Before the Subcomm. on Aviation of the H. Comm. on Transp. and Infrastructure*, 118th Cong., (Nov. 30, 2023) (statement of Pete Bunce, President, General Aviation Manufacturers Association).

²¹ OFFICE OF INFORMATION AND REGULATORY AFFAIRS, DEPARTMENT OF TRANSPORTATION AGENCY RULE LIST—FALL 2023 (2023), available at https://www.reginfo.gov/public/do/eAgendaMain?operation=OPERATION_GET_AGENCY_RULE_LIST¤tPub=true&agencyCode=&showStage=active&agencyCd=2100&csrf_token=6FEC2A42AFD06CA831B89C538AEB461A01D428292C26FB01B2282A0EE580E5B1799196BB80BAC4E10FBECB774C745CC5EFC4.

²² See 5 U.S.C. § 551(5).

a final rule in July 2024.²³ This rule stemmed from several safety recommendations and is responsive to the requirements of Section 102 of the Aircraft Certification, Safety, and Accountability Act (ACSAA) (P.L. 116–260), though it gave a deadline of June 2023 for the issuance of a final rule.²⁴

- *25-Hour cockpit voice recorder (CVR) requirements in commercial aircraft.* The NTSB suggested the FAA to mandate 25-hour cockpit voice recorders in 2018.²⁵ In December 2023, the FAA issued a NPRM proposing 25-hour CVR requirements for all newly manufactured Part 121 aircraft.²⁶ Section 525 of Securing Growth and Robust Leadership in American Aviation Act (SGRLAA), which passed the House in July 2023, would require the FAA to complete a rulemaking requiring 25-hour CVRs in all Part 121 aircraft within 18 months of its enactment.²⁷
- *Rules for regular beyond visual line of sight (BVLOS) operations of UAS.*²⁸ The FAA chartered an Aviation Rulemaking Committee (ARC) to recommend requirements for BVLOS UAS operations in 2021.²⁹ The ARC submitted its final report in March 2022, however, the FAA does not anticipate the publication of an NPRM for BVLOS operations until August 2024.³⁰ Section 609 of SGRLAA requires FAA to publish an NPRM within four months and a final rule within six months of enactment.³¹
- *Special temporary regulations allowing for the certification of powered-lift pilots and the operation of powered-lift aircraft.* The FAA published an NPRM in August 2023 and stated it will publish a final rule before 2025, but the Agency has not yet updated the rulemaking agenda to that effect.³²
- *Drug and alcohol testing of certain maintenance personnel at foreign repair stations* was mandated by Congress under Section 308 of the FAA Modernization and Reform Act of 2012 (FMRA) (P.L. 112–95).³³ More than a decade later, the FAA published an NPRM in December 2023.³⁴
- *Restriction of UAS in close proximity to critical infrastructure* which Congress mandated in Section 2209 of the FAA Extension, Safety and Security Act of

²³ OFFICE OF INFORMATION AND REGULATORY AFFAIRS, SAFETY MANAGEMENT SYSTEMS (2023), available at <https://www.reginfo.gov/public/do/eAgendaViewRule?pubId=202310&RIN=2120-AL60>.

²⁴ See Div. V, Consolidated Appropriations Act of 2021, Pub. L. No. 116–260, 134 Stat. 2309.

²⁵ NTSB, *Taxiway Overflight Air Canada Flight 759 Airbus A320–211, C–FKCK*, (last updated Oct. 11, 2018), available at <https://www.ntsb.gov/investigations/Pages/DCA17IA148.aspx>.

²⁶ OFFICE OF INFORMATION AND REGULATORY AFFAIRS, 25-HOUR COCKPIT VOICE RECORDER REQUIREMENT, NEW AIRCRAFT PRODUCTION (2023), available at <https://www.reginfo.gov/public/do/eAgendaViewRule?pubId=202310&RIN=2120-AL92>.

²⁷ Securing Growth and Robust Leadership in American Aviation Act, H.R. 3935, 118th Cong., (2023) [hereinafter SGRLAA].

²⁸ OFFICE OF INFORMATION AND REGULATORY AFFAIRS, NORMALIZING UNMANNED AIRCRAFT SYSTEMS BEYOND VISUAL LINE OF SIGHT OPERATIONS (2023), available at <https://www.reginfo.gov/public/do/eAgendaViewRule?pubId=202310&RIN=2120-AL82>.

²⁹ FAA, UAS BVLOS ARC CHARTER, (June 9, 2021), available at: https://www.faa.gov/regulations_policies/rulemaking/committees/documents/index.cfm/document/information/documentID/5023.

³⁰ FAA, UAS BVLOS ARC FINAL REPORT, (Mar. 10, 2022), available at: https://www.faa.gov/regulations_policies/rulemaking/committees/documents/index.cfm/document/information/documentID/5424; OFFICE OF INFORMATION AND REGULATORY AFFAIRS, NORMALIZING UNMANNED AIRCRAFT SYSTEMS BEYOND VISUAL LINE OF SIGHT OPERATIONS (2023), available at <https://www.reginfo.gov/public/do/eAgendaViewRule?pubId=202310&RIN=2120-AL82>.

³¹ SGRLAA, *supra* note 27.

³² OFFICE OF INFORMATION AND REGULATORY AFFAIRS, INTEGRATION OF POWERED-LIFT: PILOT CERTIFICATION AND OPERATIONS; MISCELLANEOUS AMENDMENTS RELATED TO ROTORCRAFT AND AIRPLANES (2023), available at <https://www.reginfo.gov/public/do/eAgendaViewRule?pubId=202310&RIN=2120-AL72>; FAA *Reauthorization: Enhancing America's Gold Standard in Aviation Safety, Hearing Before the H. Comm. on Transp. and Infrastructure*, 118th Cong., (Feb. 7, 2023) (statement of David Boulter, Acting Assoc. Admin. for Aviation Safety, FAA).

³³ FAA Modernization and Reform Act of 2012, Pub. L. No. 112–195

³⁴ OFFICE OF INFORMATION AND REGULATORY AFFAIRS, DRUG AND ALCOHOL TESTING OF CERTAIN MAINTENANCE PROVIDER EMPLOYEES LOCATED OUTSIDE OF THE UNITED STATES (2023), available at <https://www.reginfo.gov/public/do/eAgendaViewRule?pubId=202310&RIN=2120-AK09>.

2016 (P.L. 114–190).³⁵ FAA anticipates the publication of an NPRM in February 2024.³⁶

- *Notice of intent (NOI) to consider revisions to the definitions included in C.F.R. Part 110 relating to the operation of public charter aircraft.*³⁷ The FAA published its NOI in August 2023 and has not yet added such rulemaking activity in its regulatory agenda.
- *Modernization of Special Airworthiness Certificates.* The FAA issued an NPRM in July 2023 that would put performance safety standards around larger aircraft that innovators are building by expanding the definition of Light Sport Aircraft. The FAA has offered no timeline for finalizing the rule.³⁸

IV. GROUNDING OF THE BOEING 737 MAX 9

On January 5, 2024, around 5:00 p.m. PST, a Boeing 737 MAX 9 aircraft operated by Alaska Airlines (Alaska), Flight 1282 from Portland, Oregon to Ontario, California, performed an emergency landing at Portland International Airport after a mid-cabin door-plug separated from the fuselage. The accident occurred shortly after takeoff at an altitude of 16,000 feet and was accompanied by a rapid decompression of the cabin. There have been no reports of serious physical injury to airline personnel or passengers. The seat immediately next to the door-plug was not occupied.

The NTSB is leading the accident investigation. The day after the accident, the FAA issued an emergency airworthiness directive (EAD) ordering the temporary grounding of certain 737 MAX 9 aircraft with the door-plug configuration with yet-to-be-determined requirements for the aircraft to return to service.³⁹ Alaska and United Airlines were the only domestic carriers with impacted 737 MAX 9 fleets.⁴⁰

On January 11, 2024, the FAA further initiated an audit into Boeing’s quality control practices and separately issued a letter of investigation (LOI) launching its own investigation to determine whether Boeing failed to ensure its completed products conformed to their approved design.⁴¹ On January 24, 2024, the FAA approved a means of compliance by which air carriers can satisfy the requirements on the EAD, allowing for the return of the affected MAX 9 aircraft to service following inspections and related maintenance activities.⁴²

See Appendix I for additional information.

V. FAA REAUTHORIZATION STATUS

Congress periodically reauthorizes the statutory authorities of the FAA and other Federal civil aviation programs, including the authority to collect aviation taxes which fund the Airport and Airway Trust Fund (AATF), by passing an FAA reauthorization bill. The last long-term FAA reauthorization bill, the FAA Reauthorization Act of 2018 (P.L. 115–254) (hereinafter 2018 Act), was passed by Congress and

³⁵ FAA Extension, Safety and Security Act of 2016, Pub. L. No. 114–190, 130 Stat. 615.

³⁶ OFFICE OF INFORMATION AND REGULATORY AFFAIRS, PROHIBIT OR RESTRICT THE OPERATION OF AN UNMANNED AIRCRAFT IN CLOSE PROXIMITY TO A FIXED SITE FACILITY (2023), available at <https://www.reginfo.gov/public/do/eAgendaViewRule?pubId=202310&RIN=2120-AL33>.

³⁷ *Revisions to the Regulatory Definitions of “On-Demand Operations”, “Supplemental Operation” and “Scheduled Operation”,* 88 Fed. Reg. 53480 (Aug. 24, 2023).

³⁸ OFFICE OF INFORMATION AND REGULATORY AFFAIRS, MODERNIZATION OF SPECIAL AIRWORTHINESS CERTIFICATION (2023), available at <https://www.reginfo.gov/public/do/eAgendaViewRule?pubId=202310&RIN=2120-AL50>.

³⁹ FAA, EMERGENCY AIRWORTHINESS DIRECTIVE AD#:2024–02–51, (Jan. 6, 2024), available at <https://drs.faa.gov/browse/excelExternalWindow/DRSDOCID122693486620240106201913.0001?modalOpened=true>.

⁴⁰ Michael Salerno, *What flyers should know as Alaska, United cancel weekend flights*, ARIZONA REPUBLIC, (Jan. 11, 2024), available at <https://www.azcentral.com/story/travel/airlines/2024/01/11/boeing-737-max-9-flights-canceled-phoenix/72179411007/> (describing that the Boeing 737 MAX–9 aircraft is designed to serve multiple customers with different seating needs, up to 220 passengers. All current, domestically flown MAX–9 aircraft have seating for less than 180 passengers, not requiring a second exit row. Instead, the optional exit is “plugged” creating a tight seal and permanent cabin wall. The EAD is not applicable to aircraft that contain a second exit row instead of a door-plug. Boeing Max 9)

⁴¹ Letter from John Piccola, Office of Aviation Safety, Director for Integrated Certificate Management Division, Federal Aviation Administration to Carole Murray, Vice President, Total Quality, Boeing Commercial Airplanes, Boeing, (Jan. 10, 2024) available at www.faa.gov/sites/faa.gov/files/EIR2024NM420001_737MAX9.pdf

⁴² Press release, FAA, FAA Halts Boeing MAX Production Expansion to Improve Quality Control, Also Lays Out Extensive Inspection and Maintenance Process to Allow Boeing 737–9 MAX Aircraft to Return to Service, (Jan. 24, 2024), available to <https://www.faa.gov/newsroom/faa-halts-boeing-max-production-expansion-improve-quality-control-also-lays-out-extensive>.

signed by the President on October 5, 2018, authorizing the FAA until October 1, 2023.⁴³

On June 9, 2023, Chairman Sam Graves and Ranking Member Rick Larsen, along with Subcommittee on Aviation Chairman Garret Graves and Ranking Member Steve Cohen, introduced SGRLAA—a bill to reauthorize the FAA through Fiscal Year 2028 with comprehensive policy solutions pertaining to all major sectors of aviation. This Committee marked up and approved SGRLAA on June 14, 2023, by a recorded vote of 63 yeas to 0 nays. The House passed the bill on July 20, 2023, by a recorded vote of 351 yeas to 69 nays.⁴⁴

The Senate Committee on Commerce, Science, and Transportation (Commerce Committee), which has jurisdiction over the FAA, was scheduled to mark up its FAA reauthorization bill on June 15, 2023; however, the markup was immediately recessed, and the Commerce Committee has not reconvened to consider the bill.⁴⁵ In the absence of passing and enacting a long-term FAA reauthorization bill before the 2018 Act expired, Congress has enacted two extensions of the current FAA’s authorities in the Continuing Appropriations Act, 2024 and Other Extensions Act (P.L. 118–15) and the Airport and Airway Extension Act of 2023, Part II (P.L. 118–34).⁴⁶ Pursuant to the Airport and Airway Extension Act of 2023, Part II, the FAA’s statutory authorities are now set to expire on March 8, 2024.⁴⁷

On November 30, 2023, during a hearing entitled, “Turbulence Ahead: Consequences of Delaying a Long-Term FAA Bill,”⁴⁸ the Subcommittee on Aviation of the Committee on Transportation and Infrastructure received testimony identifying the concerns associated with passing repeated short-term extensions and maintaining out-of-date policies.⁴⁸ Stakeholders expressed concerns that without a new, comprehensive reauthorization, the newly confirmed FAA Administrator, Michael Whitaker, lacks a roadmap of Congressional priorities spanning the length of his five-year appointment. Continued short-term extensions also do not provide the FAA, its workforce, or the aviation industry with the certainty that each requires to conduct their work. Furthermore, clean extensions do not address systemic problems identified within the FAA over the last few years, including the need to adopt long overdue changes to policy and regulatory requirements to ensure American aviation remains a global leader.⁴⁹

VI. WITNESS

- The Honorable Michael Whitaker, Administrator, Federal Aviation Administration

⁴³ FAA Reauthorization Act of 2018, Pub. L. No. 115–254, 132 Stat. 3186.

⁴⁴ H. COMM. ON TRANSP. & INFRASTRUCTURE, SECURING GROWTH AND ROBUST LEADERSHIP IN AMERICAN AVIATION ACT, 282, 118th Cong., (2023) (H. Rept. 118–138); CLERK, UNITED STATES HOUSE OF REPRESENTATIVES, *Roll Call 364*, 118th Cong., 1st Session, (July 20, 2023), available at <https://clerk.house.gov/Votes/2023364>; see also 169 CONG. REC. H3873–H3874 (July 20, 2023) (Roll Call Vote 364) available at <https://www.congress.gov/118/crec/2023/07/20/169/125/CREC-2023-07-20-pt1-PgH3863-4.pdf>.

⁴⁵ *Executive Session: FAA Reauthorization: Markup Before the S. Comm. on Commerce, Science, and Transportation*, 118th Cong., (June 15, 2023).

⁴⁶ Div. B, Title II of the Continuing Appropriations Act, 2024 and Other Extensions Act, Pub. L. No. 118–15, 137 Stat. 71; Airport and Airway Extension Act of 2023, Part II, Pub. L. No. 118–34.

⁴⁷ Airport and Airway Extension Act of 2023, Part II, Pub. L. No. 118–34.

⁴⁸ *Turbulence Ahead: Consequences of Delaying a Long-Term FAA Bill: Hearing Before the Subcomm. on Aviation of the H. Comm. on Transp. and Infrastructure*, 118th Cong., (Nov. 30, 2023).

⁴⁹ *Id.*

Appendix I—Committee Memo

TO: Members of the Transportation and Infrastructure Committee
FROM: Majority and Minority Aviation Subcommittee Staff
DATE: Updated February 2, 2024
RE: Alaska Airlines Flight 1282 & Alleged Boeing Production Issues

PURPOSE OF MEMO:

This memo summarizes the January 5, 2024, accident that led to the emergency landing of Alaska Airlines (Alaska) flight 1282, and the subsequent responses from affected airlines, Boeing, the National Transportation Safety Board (NTSB), and the Federal Aviation Administration (FAA).

BACKGROUND ON THE INCIDENT:

TIMELINE OF ACCIDENT—

- On January 5, 2024, shortly after 5:00 p.m. PST, Alaska Flight 1282 from Portland, Oregon, to Ontario, California, had one of its two mid-cabin door-plugs separate from the fuselage of the Boeing 737 MAX 9 aircraft.¹
- The accident occurred at an altitude of approximately 16,000 feet and was accompanied by the rapid decompression of the cabin, after which the pilots descended the plane to a breathable altitude and then performed an emergency landing back at Portland International Airport.²
- No passengers or flight crew were seriously injured. Two out of the three seats immediately next to the door-plug were not occupied—only the aisle seat was occupied.³
- The aircraft was delivered to Alaska on October 31, 2023, and had been in service for about 10 weeks.⁴

DOOR PLUG DESIGN & HISTORY—

- The mid-exit door plugs are used to board up holes normally used for secondary emergency exits when those emergency exits are not required by regulations. Whether an extra set of exits is required is determined by the total number of (potential) passengers on the plane—it is used to calculate egress rates in case of an emergency. Essentially, the more seats the aircraft has, the more exits are required.⁵
- In this case, Alaska and United Airlines (United) chose an aircraft configuration with fewer seats and more room, which resulted in the aircraft having door plugs instead of emergency exits. This specific door plug design was approved in 2005 for the Boeing 737–900 ER design and began flying in 2007.⁶ It includes a panel (the door plug) which is slid into place from above, behind 12 “stop pads.” These stop pads are between the door plug and the exterior of the aircraft and prevent it from departing the aircraft in an outward motion. Four bolts are then used to ensure the door plug cannot slide back up and then out.⁷

¹Matthew Rodriguez, *Alaska Airlines flight forced to make emergency landing after window blows out in mid-air*, CBS NEWS, (last updated Jan. 6, 2024), available at <https://www.cbsnews.com/losangeles/news/alaska-airlines-flight-forced-to-make-emergency-landing-after-window-panel-blows-out-mid-air/>.

²Lauren Rosenblatt, *737 Max 9: What to know as Alaska Airlines cancels more flights*, THE SEATTLE TIMES, (Jan. 10, 2024), available at <https://www.seattletimes.com/business/boeing-aerospace/737-max-9-what-to-know-as-alaska-airlines-cancels-more-flights/>.

³*Id.*

⁴Pete Syme, *United and Alaska Airlines will start flying the stricken Boeing 737 Max 9 again within days*, BUSINESS INSIDER, (Jan. 25, 2024), available at <https://www.businessinsider.com/united-and-alaska-airlines-to-bring-back-boeing-737-max-9-within-days-2024-1#:~:text=The%20Max%20jet%20was,bolts%20on%20other%20planes%20too.>

⁵Briefing from NTSB and FAA to H. Comm. on Transp. and Infrastructure Comm. Members (Jan. 18, 2024, 12:30 p.m. EST) [hereinafter FAA/NTSB Briefing].

⁶*Id.*

⁷*Id.*

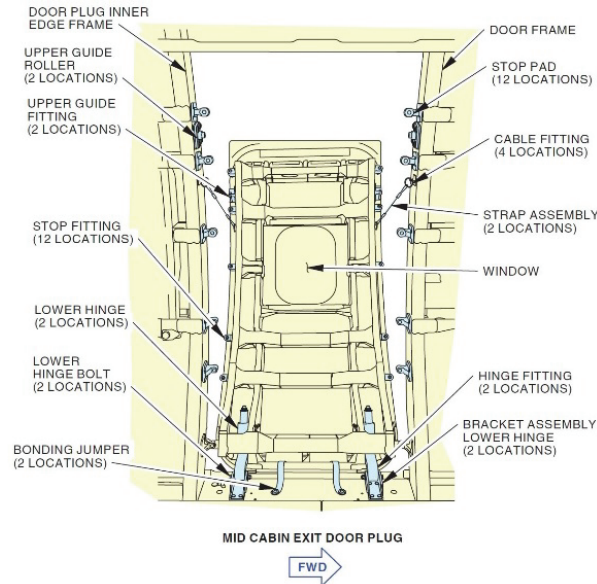


Image from NTSB Twitter available at
https://twitter.com/NTSB_Newsroom/status/1744202059870831016?lang

- Since its introduction into service, the door plug design has flown approximately 11.5 million flight hours with no issue.⁸ As such, experts suspect that the accident was caused by a manufacturing and/or quality control issue. This is different than a “design” issue, as was the general case with the 737 MAX 8 four years ago.⁹ This distinction is important as a design issue affects the entire fleet and is typically resolved with a re-design and upgrade, whereas a production issue affects only some aircraft (i.e., aircraft manufactured incorrectly) and is resolved when the problems on the affected aircraft are corrected.

ISSUES FOR CONSIDERATION:

TIMELINE OF RESPONSE FROM FAA, NTSB, AND BOEING:

- On January 6, 2024, NTSB determined the substantial damage to the aircraft warranted declaring the incident an ‘accident’ and launched an investigation into the cause of the door-plug failure.¹⁰ The FAA also issued an Emergency Airworthiness Directive (EAD) grounding all 737 MAX 9 aircraft with door-plugs until each aircraft could be adequately inspected.¹¹
- Between January 8, 2024, and January 12, 2024, Boeing worked with the FAA and affected airlines through an iterative process to draft preliminary guidance and instructions for carriers to inspect their 737 MAX 9 aircraft (formally known as a Multi-Operator Message, or MOM). During this period, Boeing had to significantly revise several draft MOMs due to carrier feedback.¹²

⁸*Id.*

⁹NTSB Investigation Report on 737 MAX 8 Crashes

¹⁰NATIONAL TRANSPORTATION SAFETY BOARD, IN-FLIGHT STRUCTURAL FAILURE, ALAKSA AIRLINES FLIGHT 1282 (2024), available at <https://www.ntsb.gov/investigations/Pages/DCA24MA063.aspx>.

¹¹Please note the European Union Aviation Safety Agency (EASA) and the United Kingdom Civil Aviation Authority (UK CAA) have adopted the EAD though there are no carriers with MAX-9 fleets in Europe; see Josephine Mason et al., *What airlines, regulators are doing about Boeing 737 Max 9 Jets*, REUTERS, (Jan. 25, 2024) available at <https://www.reuters.com/business/aerospace-defense/what-airlines-regulators-are-doing-about-boeing-737-max-jets-2024-01-07/>.

¹²Email from Lauren Dudley, Assistant Administrator, Office of Government & Industry Affairs, Federal Aviation Administration to H. Comm. on Transp. & Infrastructure staff. (Jan. 9, 2024, 3:11 p.m. EST) (on file with Comm.).

- On January 12, 2024, the FAA announced it needed more information before approving the final MOM and required Alaska and United to perform initial inspections of 40 of the 144 affected aircraft, in order to gain such information.¹³
- On January 24, 2024, after reviewing initial inspection data, the FAA approved an updated MOM from Boeing, providing a means by which carriers could return their MAX 9 aircraft into service.¹⁴
- On January 26, 2024, Alaska began to return MAX 9 aircraft into service followed shortly by United.¹⁵

FAA OVERSIGHT ACTIVITIES AND BOEING ACTIONS RELATED TO AIRCRAFT PRODUCTION:

- On January 10, 2024, the FAA issued a letter of investigation (LOI) to Boeing to investigate potential noncompliance with federal regulations¹⁶ due to Boeing's alleged failure to ensure all 737 MAX 9 aircraft conformed to the approved design.¹⁷
 - The LOI requested a response from Boeing and any related evidence within 10 business days.
 - FAA investigations of this type can result in an enforcement action, which can include fines or compliance actions.¹⁸
- On January 12, 2024, the FAA announced the agency would further: (1) audit the Boeing 737 MAX 9 production line (including suppliers); (2) increase monitoring of reported MAX 9 service incidents; and (3) perform a risk assessment of Boeing's use of delegated authorities and quality oversight.¹⁹
- On January 15, 2024, Boeing announced additional quality inspections of 737 MAX 9 aircraft and the deployment of a team to Spirit AeroSystems (Boeing's 737 aircraft fuselage supplier) to perform additional checks on 51 points of the manufacturing process.²⁰
- On January 16, 2024, Boeing announced the appointment of an independent advisor, retired Admiral Kirkland Donald, to review its quality management practices.²¹
- On January 24, 2024, the FAA announced they would bar Boeing from increasing their rate of production of MAX aircraft until the agency is satisfied that Boeing's quality control issues are resolved.²²
- In the wake of the January 5, 2024, accident, Boeing announced it was withdrawing a time limited exemption request related to its MAX series anti-icing

¹³ FAA, FOR THE SAFETY OF AMERICAN TRAVELERS THE FAA WILL KEEP THE BOEING 737-9 MAX GROUNDED UNTIL EXTENSIVE INSPECTION AND MAINTENANCE IS CONDUCTED AND DATA FROM INSPECTIONS IS REVIEWED (2024), available at <https://www.faa.gov/newsroom/safety-american-travelers-faa-will-keep-boeing-737-9-max-grounded-until-extensive>

¹⁴ Press Release, FAA, *FAA Halts Boeing MAX Production Expansion to Improve Quality Control, Also Lays Out Extensive Inspection and Maintenance Process to Allow Boeing 737-9 MAX Aircraft to Return to Service* (Jan. 24, 2024), available at <https://www.faa.gov/newsroom/faq-halts-boeing-max-production-expansion-improve-quality-control-also-lays-out-extensive>.

¹⁵ *Alaska Airlines returns Boeing Max 9 to the air: What you should know about flying on one*, USA TODAY, (Jan. 26, 2024), available at <https://www.usatoday.com/story/travel/airline-news/2024/01/26/boeing-jets-return-safety-travelers/72373253007/>.

¹⁶ 14 C.F.R. 21.146 (2024).

¹⁷ Letter from John Piccola, Office of Aviation Safety, Director for Integrated Certificate Management Division, FAA to Carole Murray, Vice President, Total Quality, Boeing Commercial Airplanes, Boeing, (Jan. 10, 2024) (on file with Comm.).

¹⁸ Mark Walker, *F.A.A. Investigating Whether Boeing 737 Max 9 Conformed to Approved Design*, N.Y. TIMES, (Jan. 11, 2024), available at <https://www.nytimes.com/2024/01/11/business/faq-boeing-737-boeing-max-investigation.html>.

¹⁹ Press Release, FAA, *FAA Increasing Oversight of Boeing Production and Manufacturing* (Jan. 12, 2024), available at <https://www.faa.gov/newsroom/faq-increasing-oversight-boeing-production-and-manufacturing>.

²⁰ Valerie Insinna et. al., *Boeing to add further quality inspections for 737 MAX*, REUTERS, (Jan. 16, 2024), available at <https://www.reuters.com/business/aerospace-defense/boeing-add-further-quality-inspections-737-max-2024-01-15/>.

²¹ Valerie Insinna, *Boeing names independent advisor to lead review of quality management*, REUTERS, (Jan. 17, 2024), available at <https://www.reuters.com/business/aerospace-defense/boeing-names-independent-advisor-lead-review-quality-management-practices-2024-01-16/>.

²² Press Release, FAA, *FAA Halts Boeing MAX Production Expansion to Improve Quality Control, Also Lays Out Extensive Inspection and Maintenance Process to Allow Boeing 737-9 MAX Aircraft to Return to Service* (Jan. 24, 2024), available at <https://www.faa.gov/newsroom/faq-halts-boeing-max-production-expansion-improve-quality-control-also-lays-out-extensive>.

system that it had previously submitted to the FAA as part of the certification process for the MAX 7 aircraft.²³

DOMESTIC OPERATOR RESPONSES:

- Alaska and United are the only domestic carriers with 737 MAX 9 aircraft impacted by the grounding.²⁴
- *Alaska:* Following the January 5, 2024, accident, Alaska immediately and voluntarily grounded its entire fleet of 65 MAX 9 aircraft, except for 18 aircraft which had recently completed a level C heavy maintenance check—which includes a full inspection of the door-plug. Those 18 aircraft, however, were grounded shortly thereafter following the issuance of the FAA’s EAD.²⁵
 - During the grounding, Alaska averaged between 100–150 canceled flights daily, impacting tens of thousands of passengers.
 - On January 9, 2024, Alaska stated that initial reports from its internal inspections of the grounded MAX 9s indicated loose bolts around the door plugs of some aircraft were visible.
 - On January 13, 2024, Alaska announced additional quality control measures to ensure the quality of the aircraft Boeing manufactures and delivers. This includes a review of Boeing’s production quality and control systems by Alaska’s own quality and audit team, enhancing its own processes for quality control of Boeing aircraft, and the expansion of their team to conduct additional oversight of Boeing’s Alaska production line.²⁶
 - Alaska further reported on its Q4 2023 earnings call that, while it was able to rebook over 10,000 impacted travelers on other Alaska or Horizon flights, the airline predicts that by the end of the grounding it will have had to cancel over 3,000 flights, amounting to one third of their January capacity, at an anticipated cost of \$150 million.²⁷
- *United:* Following the Alaska grounding decision, United announced suspended service on its 737 MAX 9 aircraft. United operates 79 MAX 9 aircraft with the door-plug configuration.
 - On January 8, 2024, United reported finding “bolts that needed additional tightening” and “hardware” located near door plugs on some of their affected MAX 9 aircraft.²⁸
 - During the grounding, United reported that it was averaging 150–200 impacted flights daily, though some cancellations were reinstated with substitute aircraft.

²³ David Shepardson et. al., *Boeing to withdraw MAX 7 exemption request as safety scrutiny intensifies*, REUTERS, (Jan. 30, 2024), available at <https://www.reuters.com/business/aerospace-defense/boeing-under-microscope-safety-issues-it-reports-results-2024-01-29/>.

²⁴ *Id.*

²⁵ Alaska Airlines, *Information about Alaska Airlines Flight 1282 and our 737-9 MAX Fleet*, (last updated Jan. 26, 2024), available at <https://news.alaskaair.com/alaska-airlines/operations/as-1282/>.

²⁶ *Id.*

²⁷ *Alaska Air Group (ALK) Q4 2023 Earnings Call Transcript*, MOTLEY FOOL, (Jan. 25, 2024), available at <https://www.fool.com/earnings/call-transcripts/2024/01/25/alaska-air-group-alk-q4-2023-earnings-call-transcr/>.

²⁸ James Gregory, *Boeing 737 Max 9: United Airlines finds loose bolts in jet inspections*, BBC, (Jan. 9, 2024), available at <https://www.bbc.com/news/world-us-canada-67919436>.

THE STATE OF AMERICAN AVIATION AND THE FEDERAL AVIATION ADMINISTRATION

TUESDAY, FEBRUARY 6, 2024

HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE ON AVIATION,
COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE,
Washington, DC.

The subcommittee met, pursuant to call, at 10:03 a.m. in room 2167 Rayburn House Office Building, Hon. Garret Graves (Chairman of the subcommittee) presiding.

Mr. GRAVES OF LOUISIANA. The Subcommittee on Aviation will come to order.

I ask unanimous consent the chairman be authorized to declare a recess at any time during today's hearing.

Without objection, so ordered.

I also ask unanimous consent that Members not on the subcommittee be permitted to sit with the subcommittee at today's hearing and ask questions.

Without objection, so ordered.

As a reminder, if Members wish to insert a document in the record, please also email it to DocumentsTI@mail.house.gov.

I now recognize myself for the purpose of an opening statement for 5 minutes.

OPENING STATEMENT OF HON. GARRET GRAVES OF LOUISIANA, CHAIRMAN, SUBCOMMITTEE ON AVIATION

Mr. GRAVES OF LOUISIANA. Thank you for being here, Administrator Whitaker, and I want to, first off, congratulate you on your unanimous confirmation vote. As you know, achieving something like that in today's times is quite remarkable, and I really appreciate your expertise and look forward to working with you. I hope you understand that that's a strong support from Congress, but also enormous recognition of the responsibility of the job that you have now taken on.

We have heard a lot of descriptions about America's aviation industry, everything from: it's the gold standard, it's the leading edge of technology, and we have also seen in recent months that we have had incredible challenges in the aviation industry. I can't say enough that the aviation industry needs to be successful. It needs to be successful in terms of promoting technology, regulatory stability, safety, and importantly—and I think often folks lose sight of—the passenger experience.

Every American enjoys the enormous benefit of this collaborative work. Commercial aviation has never been safer or more pros-

perous. Our aerospace industry moves hundreds of millions of people every year, creates millions of jobs, trillions of dollars in economic activity, and forms a critical pillar of national defense.

Maintaining our gold standard of aviation safety is in the vital interest of the United States, and should be an urgent national priority, but the only guarantee in our gold standard is that what got us there yesterday is not going to be what keeps us there tomorrow.

In the past year, as I've noted, we've seen several aircraft manufacturing defects, aircraft engine fires, a whole passenger airframe destroyed by fire, near-misses at our airports, ramp worker deaths, pilot mental health issues, general aviation accidents, poor airline customer service—especially for disabled passengers—and other challenges.

The subcommittee has received testimony about FAA organizational deficiencies and struggles the agency has had integrating drones, advanced air mobility vehicles, commercial space transportation, and cybersecurity into our National Airspace System, and updating the technology that is needed to ensure the efficiency and performance of our air traffic control systems.

For each and every one of those instances, you can find a provision in the House-passed FAA bill to address those issues.

I am going to say that again. For every one of those issues, you can find provisions in the House-passed a bill to address these issues.

I want to remind you that we passed that bill months and months ago, well before the September 30 expiration. That didn't happen by mistake. We worked methodically.

I want to thank Ranking Member Larsen and Ranking Member Cohen; our leader, Sam Graves, Chairman Sam Graves; and all of the aviation team for plowing through, literally, thousands and thousands of stakeholder, of public, of Member of Congress requests, and ultimately yielding a strong bipartisan bill.

Despite the differences, the House was successful in passing that bill by a vote of 351 to 69. And similar to your confirmation vote, in these times, that is absolutely extraordinary.

Since the passage of the bill, it has received support from all corners of the aviation sector: general aviation, business aviation, manufacturers, innovators, labor, members of the FAA's own workforce, commercial aviation, groups representing passengers, airports, and on and on.

The House-produced legislation makes transformative changes in the passenger experience and in private aviation. It provides innovators of the unmanned aerial systems and advanced air mobility space the regulatory certainty they need to deploy some of the most advanced technologies we have seen in aviation.

We also make meaningful reforms to expedite agency processes and to position the agency to manage the ever-expanding aviation system, and the bill contains numerous provisions aimed at improving aviation safety.

With all the recent incidents, accidents, near-misses and problems, it is nothing short of malpractice that the Senate hasn't bothered to even mark up the FAA reauthorization bill. The Senate's repeated failure has destroyed \$650 million in airport investments

this year alone and delayed enactment of urgently needed safety measures and reforms. There has never been a worse time to leave the FAA unauthorized, yet that is where the Senate's inaction has left us.

You are doing the best that you can with the job you have, Mr. Administrator, but it's clear to me the Senate's inability to do its job has real-world consequences that directly affect American leadership in aviation and in the safety of the traveling public. We stand ready, willing, and able to negotiate the FAA reauthorization bill when the Senate is ready. Hopefully, you can do something to help us with that, Mr. Administrator, and hopefully, the conversation we have today serves to underscore the urgency of getting a long-term, comprehensive reauthorization bill signed into law.

[Mr. Graves of Louisiana's prepared statement follows:]

**Prepared Statement of Hon. Garret Graves of Louisiana, Chairman,
Subcommittee on Aviation**

Thank you for being here today, Administrator Whitaker. I want first to congratulate you on your unanimous confirmation vote. As you know, achieving something like that today is quite remarkable, and I really appreciate your expertise and look forward to working with you. I hope you understand that this is strong support from Congress but also enormous recognition of the responsibility of the job you've now taken on.

America's aviation industry is the gold standard and has long since been at the leading edge of technological advancement. We've also seen in recent months that we've had incredible challenges in American aviation.

The aviation industry needs to be successful promoting technology, regulatory stability, passenger safety, and importantly—the things folks sometimes lose sight of—improvements to the passenger experience.

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Maintaining our gold standard of aviation safety is vital to the United States and should be an urgent national priority. But the only guarantee in our gold standard is that what got us there yesterday will not be what keeps us there tomorrow.

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For each and every one of those instances, you can find a provision in the House-passed FAA bill addressing it. Let me say it again: for every one of those issues, you can find provisions in the House-passed FAA bill addressing them.

I want to remind you that we passed that bill months and months ago, well before the September 30, 2023 expiration. That didn't happen by mistake. We worked methodically.

I want to thank Ranking Member Larsen, Ranking Member Cohen, Chairman Sam Graves, and all of the Aviation team for plowing through literally thousands and thousands of requests from stakeholders, the public, and Members of Congress and ultimately producing a strong, bipartisan proposal.

Despite differences of opinion, the House of Representatives successfully passed a FAA reauthorization bill by a vote of 351–69. Just like your confirmation vote, in times like these, that is extraordinary.

Since the passage of the bill through the House, it has received support from all corners of the aviation sector: general aviation, business aviation, manufacturers,

innovators, labor, members of the FAA workforce, commercial aviation, groups representing passengers, airports, and the list goes on.

The House-produced legislation makes transformative changes in the passenger experience and in private aviation. It provides innovators of the Unmanned Aerial Systems and Advanced Air Mobility Space the regulatory certainty they need to deploy some of the most advanced technologies we've seen in aviation.

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The Senate's repeated failure has destroyed \$650 million in airport investment this year alone and delayed the enactment of urgently needed safety measures and reforms.

There has never been a worse time to leave the FAA reauthorized, yet that's where the Senate's inaction has led us.

You're doing the best you can with the job you have, Mr. Administrator, but it's clear to me that the Senate's inability to do its job has real-world consequences that directly affect American leadership in aviation and the safety of the traveling public.

We stand ready, willing, and able to help negotiate the FAA reauthorization bill whenever the Senate is ready. Hopefully, you can do something to help us with that, Mr. Administrator, and hopefully, the conversation we have today underscores the urgency of getting a long-term comprehensive reauthorization bill signed into law.

Mr. GRAVES OF LOUISIANA. I now recognize Ranking Member Cohen for 5 minutes for an opening statement.

**OPENING STATEMENT OF HON. STEVE COHEN OF TENNESSEE,
RANKING MEMBER, SUBCOMMITTEE ON AVIATION**

Mr. COHEN. Thank you, Mr. Chair. I just want to say I disagree with everything he said, that we need to fund Ukraine and Israel at the same time.

Mr. GRAVES OF LOUISIANA. I am just glad you were here to listen to it.

[Laughter.]

Mr. COHEN. Thank you, Mr. Chairman, and thank you, Mr. Whitaker, for coming before us today, such an important time with aviation and your being at FAA. We appreciate that.

It's important that we have leadership. That's the thing I heard most from people in the industry over the last 6, 7, 8 months, was we need a strong Administrator, and we need an Administrator. And I think everybody is pleased with your selection.

But we've had the recent problems—obviously, not your fault—with Boeing, the 737 MAX 9, we had the Japanese airline collision, an increase in runway incursions which have been around for a while, and I know that that's on the top of your mind, is getting something straightened out with those potential intersections of airlines with the FAA and getting better air traffic controllers, or more air traffic controllers, really, more, and we need to get a pipeline going to get more of everybody to give an opportunity to participate.

The FAA's prompt response to the January 5 Boeing incident is commendable. Temporary grounding of more than 170 aircraft, the audit of Boeing, and what you have done there has been—I think everybody agrees with and appreciates.

Boeing must be held accountable because, as you have said and others have said, safety is first, and that needs to be made clear. As this incident and the MAX 8 crashes demonstrate, complacency

is a luxury we cannot afford when it comes to aviation safety. Boeing and the FAA's oversight must make the necessary changes to ensure similar incidents and accidents don't happen again, doors flying off in the middle of the air or planes falling out of the sky, or whatever.

As the FAA and the NTSB investigations into this accident unfold, our subcommittee will stand ready to work with you and all the relevant parties to enact legislative changes that are necessary. But of course, the first thing we need to do is get the reauthorization bill passed. We have done our job; now it's your job to get the Senate to do their job.

I want to thank all the FAA employees who worked day and night to ensure that no stone was left unturned when it came to reviewing the MAX 9 inspection instructions, as well as the airline maintenance technicians who are implementing these instructions to ensure that aircraft can safely transport passengers again.

NTSB Chair Homendy did a great job, and she is having some of us over for a briefing later today, and showing us some of the problems, and we appreciate that. She has been thorough. Based on what has been communicated to us and the public thus far, that work has been outstanding.

So, we must do everything we can to pass our next reauthorization. We have done that. The next deadline is March 8, quickly approaching. Of course, we need our Senate colleagues to act, because we need to make sure that the air traffic control has more people, and beefed up.

There are tricky issues with the reauthorization. Our committee worked in a bipartisan way to find common ground and pass a bill that contains hundreds of provisions that will preserve and enhance the aviation system and ensure a robust and vibrant future for U.S. aviation. That bill passed by an overwhelming bipartisan margin, and we hope the Senate can be bipartisan, as well.

I look forward to your testimony. I appreciate the work of Chairman Graves, Ranking Member Larsen, and the other Chairman Graves. We put together a good bill, and we hope that we can have success and confidence in the American public for airplanes and flying, and that we don't lose business to Airbus.

The French have already made overtures, what they are trying to do to make sure that there are safe planes produced all over the world, but particularly, I guess, they are thinking in France and Airbus. So, that is an important industry to America to have Boeing.

So, good luck. Thank you.

[Mr. Cohen's prepared statement follows:]

**Prepared Statement of Hon. Steve Cohen of Tennessee, Ranking Member,
Subcommittee on Aviation**

Thank you, Chairman Graves, and thank you, Administrator Whitaker, for testifying today.

It is fortunate that we finally have a permanent Administrator, as your leadership is needed more than ever.

Given the recent safety accident with the Boeing 737 MAX 9, the Japan Airlines Flight 516 collision, and the increase in runway incursions, this is a timely and important hearing.

I appreciate the FAA's prompt response to the January 5 Boeing 737 MAX 9 accident, including the temporary grounding of more than 170 of the aircraft, the audit of Boeing's quality control and safety practices and investigation into Boeing's 737 MAX 9 manufacturing, and the capping of Boeing's production rate of the Boeing 737 MAX aircraft.

We must continue to hold Boeing accountable, and as Administrator Whitaker previously noted, "This won't be back to business as usual for Boeing."

As this accident and the MAX 8 crashes demonstrate, complacency is a luxury we cannot afford when it comes to aviation safety. Boeing and the FAA's oversight must make the necessary changes to ensure similar accidents never happen again.

As the FAA and NTSB investigations into this accident unfold, our Subcommittee will stand ready to work with all relevant parties to enact any legislative changes deemed necessary to resolve quality control problems, strengthen the oversight of aircraft manufacturers and suppliers and prevent further safety issues from arising.

I want to thank the FAA employees who worked day and night to ensure no stone was left unturned when it came to reviewing and approving the MAX 9 inspection instructions, as well as the airline maintenance technicians who are implementing these instructions to ensure these aircraft can safely transport passengers again.

I also want to thank NTSB Chair Jennifer Homendy and all of the NTSB investigators for their vigorous efforts. Based on what has been communicated to us and the public thus far, their work has been outstanding, and we all look forward to their forthcoming preliminary report.

In the meantime, we must do everything we can to pass our next FAA reauthorization bill, which is needed now.

The next deadline of March 8 is quickly approaching, and we urgently need our Senate colleagues to act. We have already passed two short-term authorizations, and I fear passing a third will lead to continued delays.

While there are certainly tricky issues with any reauthorization, our Committee worked in a bipartisan way to find common ground and pass a bill that contains hundreds of provisions to preserve and enhance America's aviation system and ensure a robust and vibrant future for U.S. aviation.

Our bill, the Securing Growth and Robust Leadership in American Aviation Act, passed by an overwhelming 351-69 vote. Meanwhile, the Senate Commerce Committee has yet to hold its markup. I sincerely hope they stick to their February 8 commitment.

Our House-passed bill makes historic airport infrastructure investments, enhances aviation safety, protects consumers including those with disabilities, addresses environmental resiliency, and ensures the safe operation and integration of Unmanned Aircraft Systems (UAS) and Advanced Air Mobility (AAM) aircraft.

It also contains provisions that address the recent spike in near miss incidents at U.S. airports, air traffic controller staffing challenges, and the recording times of cockpit voice recorders.

For these reasons and many more, a long-term comprehensive FAA reauthorization bill is vital to the safety and continuity of U.S. aviation.

We are at a critical juncture in the U.S. aviation industry, and proactive leadership is needed more than ever.

I certainly appreciate the work of my friend, Chairman Graves, and also Ranking Member Larsen and Chairman Graves. Together, we've put forth a good bill that will address many critical issues, and we will continue our collaboration as we address issues from the Boeing 737 MAX 9 investigations.

Thank you again, Administrator Whitaker, for being here today, and I look forward to today's discussion.

Mr. GRAVES OF LOUISIANA. Thank you, Ranking Member Cohen. I now recognize the chairman of the full committee, Chairman Sam Graves, for 5 minutes.

**OPENING STATEMENT OF HON. SAM GRAVES OF MISSOURI,
CHAIRMAN, COMMITTEE ON TRANSPORTATION AND INFRA-
STRUCTURE**

Mr. GRAVES OF MISSOURI. Thank you, Chairman Graves and Ranking Member Cohen, for the hearing, and thank you, Administrator Whitaker, for coming in. It is a pleasure to have you before the Aviation Subcommittee.

The United States aviation system has been a major focus of our committee's work this Congress. Last year, we overwhelmingly—as has been the theme here so far today—we overwhelmingly passed a comprehensive, bipartisan Federal Aviation Administration reauthorization that is going to dramatically improve American aviation and the FAA. Unfortunately, the bill, as has been pointed out, and its many improvements have been held up in the Senate for more than 6 months.

Fortunately, it appears that the Senate is poised to resume its markup of the FAA bill in a few days, and I look forward to seeing if it finally happens. And I look forward to sitting down with our Senate Commerce Committee counterparts to start reconciling the two bills.

Serious issues within our aviation system have played out time and time again on the nightly news, and in my opinion, the consequences of having no long-term FAA bill are exacerbating them. Now, more than ever, American aviation and FAA needs some bold direction from Congress. We can't afford business as usual or half measures, and our bill will secure the growth and robust leadership the American people deserve in their aerospace system.

While Congress continues to move the FAA reauthorization towards the finish line, we are looking to you or depending on you to pick up that slack. Many of the provisions in the House-passed bill are noncontroversial and can be implemented by the FAA without any additional authority from Congress. I would urge you and your staff to start laying the groundwork for an expeditious and efficient agency implementation of the provisions in line with the congressional intent.

Today is a great opportunity for Members to highlight the aviation priorities that matter to them and ensure that their issues are heard and understood and, hopefully, are addressed.

We also want to hear what your impressions of the agency are since you have taken over the agency, since your confirmation, and what your priorities are, moving forward.

And finally, we look forward to hearing an update on what the FAA is doing regarding the flight 1282 accident and what you have learned so far.

I do want to thank you, Administrator, and your staff, for your very effective communication so far related to the incident and your related findings that you found so far. Open communication, I think, is important, a very important component, in the committee having confidence in the actions taken by the FAA. I hope that this continues as the agency progresses with its oversight work and audits. We all share the same goal of ensuring the safety of our aviation system and maintaining that gold standard that we all talk about.

So, with that, thank you again for coming before the committee.
[Mr. Graves of Missouri's prepared statement follows:]

Prepared Statement of Hon. Sam Graves of Missouri, Chairman, Committee on Transportation and Infrastructure

The United States aviation system has been a major focus of the Committee's work this Congress. Last year, the House overwhelmingly passed a comprehensive,

bipartisan Federal Aviation Administration (FAA) reauthorization bill that will dramatically improve American aviation and the FAA. Unfortunately, this bill and its many improvements have been held up in the Senate for more than six months.

Fortunately, the Senate appears poised to resume its markup of their FAA bill in a few days. I look forward to seeing if this finally happens and to sitting down with our Senate Commerce Committee counterparts to start reconciling the bills.

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Now more than ever, American aviation and FAA needs bold direction from Congress. We cannot afford business as usual or half measures. Our bill will secure the growth and robust leadership the American people deserve in their aerospace system.

While Congress continues to move the FAA reauthorization towards the finish line, we're looking to you, Administrator Whitaker, to pick up the slack. Many of the provisions in the House-passed bill are noncontroversial and can be implemented by the FAA without any additional authority from Congress. I urge you and your staff to start laying the groundwork for expeditious and efficient agency implementation of provisions in line with Congressional intent.

Today is also a great opportunity for Members to highlight the aviation priorities that matter to them and ensure their issues are heard, understood, and hopefully addressed.

We also want to hear what your impressions of the agency have been since your confirmation, and what your priorities are going to be moving forward.

And finally, we look forward to hearing an update on what the FAA is doing regarding the Alaska Airlines flight 1282 accident and what you have learned so far in the aftermath. And I do want to thank you, Administrator Whitaker, and your staff for the effective communication thus far related to this incident and your related findings. Open communication is an important component in the Committee having confidence in the actions taken by the FAA, and I hope that continues as the agency progresses with its oversight work and audits. We all share the same goal of ensuring the safety of our aviation system and maintaining that gold standard.

Mr. GRAVES OF MISSOURI. And with that, I yield back the balance of my time.

Mr. GRAVES OF LOUISIANA. Thank you, Mr. Chairman. The ranking member of the full committee, Mr. Larsen, is recognized for 5 minutes.

OPENING STATEMENT OF HON. RICK LARSEN OF WASHINGTON, RANKING MEMBER, COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE

Mr. LARSEN OF WASHINGTON. Thank you, Chair. Just one more, Administrator Whitaker. Thanks for joining us today, I appreciate it very much. We have got a lot to discuss. This hearing comes at a critical time.

First, we have to review the implementation of the 2018 FAA reauthorization which expired last September.

Second, we have to continue to push for the passage of a comprehensive, long-range 2023 FAA reauthorization which passed the House last July.

And finally, we must examine the problems that the recent 737 MAX 9 incident exposed.

Safety has always been this committee's top priority, and the aviation system here in the U.S. is responsible for safely transporting hundreds of millions of passengers each year without fear of harm or injury. Americans have to have full confidence in our aviation system. That confidence must be justified.

This committee must ensure the FAA has the resources and tools it needs to effectively conduct its investigations, its audits, and en-

forcement actions. As always, we have to remain vigilant to ensure that the likelihood of this accident happening is decreased substantially.

The January 5 737 MAX 9 accident was terrifying to everybody on board, but thanks to the calm and professional actions of the flightcrew, everyone landed safely. I fully support, as this committee does, the FAA's decisive response to this accident, which included grounding the affected MAX 9 fleet, a separate investigation into whether Boeing delivered a noncompliant aircraft to its customer, an overarching audit of Boeing's MAX production lines and suppliers, and a prohibition on increasing the Boeing 737 MAX production rate until its quality control issues are resolved.

Unfortunately, it is not the first time we have seen aircraft quality control issues in recent history.

In May of 2021, then-Chair DeFazio and I wrote to the Department, to the FAA, and to Boeing with concerns about no less than nine reports of quality control issues at Boeing production facilities. Since then, there have been dozens more reports of similar issues, leading to emergency fixes and delays in production.

The safety culture of any organization flows from the top, and I urge the Boeing leadership to take time now to examine the culture that they have currently instilled and to improve.

I look forward to the implementation of the 2020 certification reform bill which this committee passed, including the recommendations from the Boeing safety culture review. Boeing has some of the most skilled, hard-working, and technically proficient workers in the world, and they depend on their leadership to instill the right policies so they can effectively do their jobs. These dedicated women and men who work at Boeing plants deserve answers, and the flying public deserves answers.

I also look forward to the NTSB's preliminary report and the findings of the FAA's investigations.

I will continue to work with the chairs of the committee and subcommittee and the ranking member to take any potential legislative or oversight actions needed to ensure the safety of our skies.

Now, moving on to reauthorization, as the committee continues its oversight of the MAX 9 accident response, we can't forget our other responsibilities. We passed an FAA bill in July. It passed 351 to 69. We are awaiting Senate action. This bill created a framework to ensure a safer, cleaner, greener, and more innovative and accessible U.S. aviation system.

On aviation safety, there are numerous safety gaps that have to be addressed since the last authorization, which were enumerated in the recent NAS Safety Review Team report. The House bill addresses these issues, including the hiring of air traffic control and the installation of surface surveillance and detection technology. And Administrator Whitaker, I look forward to hearing your takeaways from that safety review report, and what the FAA is doing to implement the recommendations.

We have to do more to ensure all passengers can travel safely and with dignity. The House bill improves training for airline personnel and contractors on assisting travelers with disabilities and mobility devices, and directs the DOT to reduce damage to wheelchairs and mobility aids. Administrator Whitaker, I want to hear

how the FAA is working with DOT and airlines to do more for passengers with disabilities.

We have a talented aviation workforce in this country, and the FAA reauthorization bill triples funding for the FAA's aviation workforce development programs to expand the talent pipeline to all Americans. I look forward to hearing more on what the FAA can do to recruit, train, and retain the expertise that we need to lead globally.

We also have to provide a clear and predictable framework for innovators to scale new entrants safely, while ensuring the needs of local communities are addressed. Our bill requires the FAA, as an example, to issue Beyond Visual Line of Sight, or BVLOS, requirements for drone operations—ensuring their safe integration into the skies and creating jobs. And so, Administrator, I want to hear more about what the FAA is doing on the BVLOS rulemaking and your work to integrate these technologies.

The recent Boeing 737 MAX 9 door plug accident is yet a reminder of what is at stake if we continue to delay addressing systemic safety issues in the U.S. aviation ecosystem. That is in part why the Senate needs to move a bill forward so we can start to negotiate a long-term FAA reauthorization to ensure the FAA and NTSB have the authorities and resources that they need to do their important work.

[Mr. Larsen of Washington's prepared statement follows:]

**Prepared Statement of Hon. Rick Larsen of Washington, Ranking Member,
Committee on Transportation and Infrastructure**

Thank you, Chairman Graves, for calling today's hearing on "The State of American Aviation and the Federal Aviation Administration."

Administrator Whitaker, thank you for joining us today. We have plenty to discuss and I look forward to your testimony.

This hearing comes at a critical time.

First, we must review the implementation of the 2018 FAA Reauthorization, which expired last September. Second, we must continue to push for the passage of a comprehensive long-term 2023 FAA reauthorization, which the House passed last July. Finally, we must examine the problems the recent 737 MAX 9 accident exposed.

Safety must always be this Committee's top priority.

America's aviation system is responsible for safely transporting hundreds of millions of passengers each year without fear of harm or injury.

Americans must have full confidence in our aviation system—but that confidence must be justified.

This Committee must ensure the FAA has the resources and tools it needs to effectively conduct its investigations, audits and enforcement actions.

As always, we must remain vigilant to ensure that the likelihood of something like this accident happening is decreased substantially.

The January 5, 737 MAX 9 accident was terrifying to all on board, but thanks to the calm and professional actions of the flight crew, everyone landed safely.

I fully support, as does this Committee, the FAA's decisive response to this accident, which included: grounding the affected 737 MAX 9 fleet; a separate investigation into whether Boeing delivered a non-compliant aircraft to its customer; an overarching audit of Boeing's 737 MAX production lines and its suppliers; and a prohibition on increasing Boeing's 737 MAX production rate, until its quality control issues are resolved.

Unfortunately, this is not the first time we've seen aircraft quality control issues in recent history.

In May 2021, then Chair DeFazio and I wrote to the Department of Transportation, FAA, and Boeing with concerns about no less than nine reports of quality control issues at Boeing production facilities.

Since then, there have been dozens more reports of similar issues, leading to emergency fixes and delays in production.

The safety culture of any organization flows from the top, and I urge Boeing leadership to take time now to examine the culture they've instilled and make the necessary improvements.

I also look forward to the implementation of the 2020 Certification Reform bill, including the recommendations from the Boeing safety culture review.

Boeing has some of the most skilled, hard-working and technically proficient workers in the world, and they depend on their leadership to instill the right policies so they can effectively do their jobs.

These dedicated women and men who work at Boeing plants, deserve answers; the flying public deserves answers.

I look forward to the NTSB's preliminary report and the findings of the FAA's investigations.

And I will continue to work with Chair Sam Graves, Chair Garret Graves, and Ranking Member Cohen to take any potential legislative or oversight actions needed to ensure the safety of our skies.

As the Committee continues its oversight of the MAX 9 accident response, we cannot forget our other responsibilities.

We passed an FAA bill in July. It passed 351 to 69. We are now awaiting Senate action. Our bill created a framework to ensure a safer, cleaner, greener, more innovative and accessible U.S. aviation system.

There are numerous safety gaps to be addressed since the last authorization in 2018, several of which were enumerated in the recent NAS (National Airspace System) Safety Review Team report.

For instance, to address air traffic controller workforce shortages, the House bill requires the FAA to hire the maximum number of controllers and to adopt the most appropriate staffing model to meet the system's growing needs.

The House bill also requires installation of surface surveillance and detection technology at all medium and large hub airports to help prevent future runway incursions.

Administrator Whitaker, I look forward to hearing your takeaways from the NAS Safety Review Team report and what the FAA is doing to implement its recommendations.

We must also do more to ensure all passengers can travel safely and with dignity.

The House bill improves training for airline personnel and contractors on assisting travelers with disabilities and mobility devices and directs the DOT to reduce damage to wheelchairs and mobility aids.

Administrator Whitaker—I want to hear how the FAA is working with DOT and airlines to do more for passengers with disabilities.

Our talented U.S. workforce makes the nation's leadership in aviation safety possible.

The House FAA reauthorization triples funding for the FAA's aviation workforce development programs to expand the talent pipeline to all Americans.

I look forward to hearing more on the FAA's efforts to recruit, train and retain the expertise it needs to lead globally.

We must also provide a clear and predictable framework for American innovators to scale new entrants safely, while ensuring the needs of local communities are addressed.

Our bill requires the FAA to issue beyond visual line of sight (BVLOS) requirements for drone operations—ensuring their safe integration into our skies and creating U.S. jobs.

Administrator Whitaker, I would like to hear more about the FAA's BVLOS rule-making and the agency's work to ensure our airspace is ready for such promising new technologies.

The recent Boeing 737 MAX 9 door plug accident is yet another reminder of what is at stake if we continue to delay addressing systemic safety issues in U.S. aviation ecosystem.

That is in part why the Senate needs to move a bill forward so we can start to negotiate a long-term FAA reauthorization to ensure that the FAA and NTSB have the authorities and resources they need to continue their important work.

Thank you.

Mr. LARSEN OF WASHINGTON. Thank you very much. I yield back.

Mr. GRAVES OF LOUISIANA. Thank you, Ranking Member Larsen. I recognize Ranking Member Cohen for instructions and unanimous consent requests.

Mr. COHEN. Thank you, Administrator Whitaker. You probably know these things, but there is a lighting system in front of you. Green, get started; yellow, get ready to end, wrap it up; red, it's over.

I ask unanimous consent that the witness' full statement be included in the record.

Without objection, so ordered.

And I also ask unanimous consent that today's hearing remain open until such time as our witness has provided answers to any questions that may be submitted to him in writing.

Without objection, so ordered.

And the last unanimous consent: for the record to remain open for 15 days for any additional comments and information submitted by Members or witnesses to be included in today's hearing.

Without objection, so ordered.

Three of them in a row. I yield back. You're on.

Mr. GRAVES OF LOUISIANA. Without objection, so ordered.

Thank you, Ranking Member Cohen.

Again, Administrator, I want to welcome you, I appreciate you being here today.

As written testimony has been included as part of the record, the subcommittee asks you to limit your oral remarks to 5 minutes. With that, Administrator Whitaker, you are recognized for 5 minutes.

**TESTIMONY OF HON. MICHAEL WHITAKER, ADMINISTRATOR,
FEDERAL AVIATION ADMINISTRATION, U.S. DEPARTMENT
OF TRANSPORTATION**

Mr. WHITAKER. Thank you, Chairman Graves, Chairman Graves, Ranking Members Larsen and Cohen, and members of the subcommittee. Thanks for giving me an opportunity to discuss the current and future priorities of the FAA.

Our number one priority is safety. Recent events, especially the January 5 incident involving the Boeing 737 MAX 9, have shown us we can't become complacent when it comes to maintaining safety and public confidence in the aviation system.

Since being sworn in as Administrator, I have focused on addressing potential risks to the safety of our national airspace, particularly in three areas: significant safety events, air traffic controller hiring, and continuous safety improvement.

Last year, we saw an uptick in significant safety events, including runway incursions and close calls around airports. In response, the FAA tasked an independent Safety Review Team to look into these issues. They provided a report to me in November, and we have already begun implementing many of those recommendations.

To mitigate the risk of incursions, we are pursuing a range of strategies and solutions including better data analytics, pilot and controller outreach, improved airport signage, and runway and taxiway redesign.

We are also committed to continued development and deployment of technologies that enhance runway safety. We will continue to work this issue until we reach our goal of zero significant safety events.

The safety of the U.S. aviation system is due in large part to the skilled and dedicated air traffic controllers who work the system. To maintain our safety record, the agency must accelerate the pace of recruiting, training, and hiring to meet increasing traffic volume, while also integrating safely new technologies and new entrants into our system.

We are taking immediate steps to grow the controller workforce through several key initiatives. We are filling every seat at our Air Traffic Controller Academy in Oklahoma City. We are expanding the use of advanced training and facilities across the country, including upgrading simulators in 95 towers. Just last week, we installed the first tower at Austin Airport in Texas. We are working with aeronautical colleges to move graduates quickly to on-the-job training, and we have initiated year-round hiring for experienced controllers from the military or from private industry.

During my first 3 months as Administrator, I met with controllers in Boston, Philadelphia, Dallas, and here at DC in the tower. In those conversations, controller fatigue came up repeatedly as a top concern, caused in large part by shifting schedules and challenging overtime requirements. Increasing our controller ranks will help mitigate risks associated with controller fatigue.

Additionally, we have stood up a panel of fatigue experts to review the latest science on sleep needs and how that can be applied to work requirements and scheduling. We expect to receive the panel's report later this spring.

The third priority is to continuously improve our safety processes and procedures. For example, our Air Traffic Safety Oversight Department now reports directly to me. This gives me unfiltered, candid feedback on the state and quality of the organization.

We are also exploring how the agency can improve data accessibility and collaborate with stakeholders to collect and analyze data across our aviation system. Data is crucial to identifying and mitigating significant risks and emerging safety trends. To support these efforts, I plan to hold a discussion tomorrow with senior leadership from major U.S. airlines on how we can share information more transparently and improve our safety management systems.

The need to be vigilant on safety came clearly into focus on January 5, with the incident involving Alaska Airlines flight 1282, when the left midcabin door plug blew out of a Boeing 737 MAX 9 shortly after departure. I want to commend the flight and cabin crews for their professionalism and heroic actions to ensure the safety of everyone on board during that emergency.

Less than 24 hours following the incident, the FAA took decisive action to ground 171 MAX 9 airplanes. We then approved a thorough inspection and maintenance process that was performed on each of the grounded aircraft prior to returning to service. We have begun an audit of Boeing's production and quality control practices, and we have informed Boeing that the FAA will not grant any production expansion of the MAX until we are satisfied the quality control issues uncovered during this process are resolved.

Going forward, we will have more boots on the ground closely scrutinizing and monitoring production and manufacturing activities. Boeing employees are encouraged to use our FAA hotline to report any safety concerns.

Let me stress the safety of the flying public is our mission, and it will continue to inform our decisionmaking going forward. I am honored to lead the FAA team of more than 45,000 dedicated employees who work every day to meet our mission of ensuring we have the best and the safest aviation system in the world. I am confident in our agency's ability to address our current challenges and those that lie ahead.

I also want to confirm, as Chairman Graves alluded to, I really commend the bipartisan effort in the House toward completing a long-term FAA reauthorization bill. I look forward to working with Congress as it finalizes this vital legislation.

Thank you for your continued support of FAA, and I look forward to answering any questions.

[Mr. Whitaker's prepared statement follows:]

Prepared Statement of Hon. Michael Whitaker, Administrator, Federal Aviation Administration, U.S. Department of Transportation

Chairs Graves and Graves, Ranking Members Larsen and Cohen, and members of the subcommittee thank you for the opportunity to be here with you today for the first time as the Administrator of the Federal Aviation Administration (FAA) to discuss the agency's priorities and my initial observations within the agency.

The agency's number one priority is safety. We must continuously be proactive, consistent, and deliberative executing our mission to maintain and build on the agency's safety record. Since being sworn in as the FAA Administrator on October 25, 2023, I have worked to ensure that we remain solely focused on our mission. Upon joining the agency, I began a process of renewed focus on potential risks to the National Airspace System (NAS), initially targeting three specific areas: first, significant safety events, including close calls and runway incursions, and related safety events; second, air traffic controller workforce issues including fatigue and the workforce shortage; and third, continuous safety improvement.

SIGNIFICANT SAFETY EVENTS

Close Calls, Runway Incursions, and Related Safety Events

My initial area of inquiry was around the close calls, runway incursions, and related safety events that occurred in 2023.

Focus on these events began in March of last year when Acting Administrator Billy Nolen convened more than 200 leaders from across the aviation industry to examine ways to prevent future occurrences. That summit resulted in a variety of concrete actions and a commitment from the FAA and the aviation community to collaborate on the goal of reaching zero significant close calls.

Following the summit, the FAA moved swiftly, taking several actions to enhance flight safety and reduce incursions by providing more controller training and supervision as well providing pilot and operator outreach and training. In 2023, the FAA held over 100 runway safety meetings at airports with control towers to identify and address airport-specific risks. Also, the FAA tasked the Investigative Technologies Aviation Rulemaking Committee (ARC) to recommend new technologies, such as cockpit alerting systems, to reduce runway safety events. I expect the ARC to submit an interim recommendation report later this year.

Additionally, the FAA named an independent National Airspace Safety Review Team to examine ways to enhance safety and reliability in the nation's air traffic system. The team examined the FAA's internal safety processes, staffing levels, practices, facilities and equipment, and how the agency's air traffic budget is funded. I received the independent report on November 15, 2023. Two days later, I took immediate action on their recommendations including several that provide resources to assist air traffic controllers, such as deploying tower simulator training systems in 95 facilities by December 2025. On January 29, the agency installed the first system at Austin-Bergstrom International Airport.

These technology investments will continue to be an effective mechanism to enhance aviation safety, in particular, runway safety. We are committed to continue to develop, test, and deploy technologies to improve surface surveillance and situational awareness for controllers, flight crews, and ground personnel through a vari-

ety of means, including surface lighting, visual and aural alerts, and enhanced displays. Over the last several years, the FAA has researched and issued standards for both Runway Incursion Warning Systems (RIWS) and Vehicle Automatic Dependent Surveillance-Broadcast (ADS-B) emitters to help combat Vehicle/ Pedestrian Deviations (VPDs). RIWS and vehicle ADS-B transmitters are available for installation on airport and airline-owned ground vehicles that regularly operate in the movement area. These technologies enhance situational awareness for surface operators and Air Traffic Controllers. The FAA has been actively encouraging airports to voluntarily equip their vehicles and grants are available through the FAA Office of Airports. As a result, there are now over 2,100 vehicles equipped with ADS-B transmitters and over 1,000 vehicles equipped with a RIWS.

Moreover, the FAA continues to focus on airport infrastructure improvements to address airfield geometry issues, a significant contributing factor for many runway incursions. The Runway Incursion Mitigation (RIM) Program is at the forefront of industry and FAA partnerships in mitigating airport locations with a history of runway incursions. To date, this work has achieved a 70 percent overall reduction at more than 100 locations. Because of their high safety impact, the FAA prioritizes funding RIM projects through its competitive grant programs. We appreciate the funding Congress has provided through the Airport Improvement Program, Supplemental Discretionary Grant Program, and the Bipartisan Infrastructure Law to achieve these critical safety improvements.

The FAA also continues to evaluate runway safety areas (RSAs) and works with airport operators to improve RSAs that do not meet federal standards. RSAs enhance the safety of aircraft that undershoot, overrun, or veer off a runway. The FAA previously assessed all RSAs serving air carrier runways at the nation's commercial airports and is now focused on determining the RSA status of general aviation airports. The FAA also continues to work closely with industry and other Federal agencies to address and reduce the risks associated with wildlife hazards.

Since the beginning of fiscal year (FY) 2023, the FAA has awarded 57 grants for runway safety projects under the Bipartisan Infrastructure Law and 154 runway safety projects under the Airport Improvement Program, totaling more than \$1 billion. These projects will install airfield lighting, signage, and markings, as well as reconfigure and construct new taxiways to enhance safety on the airfield.

Overall, our data shows a recent downward trend in the rate of runway incursions. We are optimistic that our recent and ongoing work and collaboration with industry will lead to continued safety improvements. But to drive the number of runway incursions to zero, we must continue to focus on and invest in this priority.

CONTROLLER WORKFORCE

The safety of the United States aviation system is due in large part to our skilled and dedicated air traffic controllers. To maintain our safety record, the agency must accelerate the pace of recruiting, training, and hiring to meet increasing volume and safely integrate new entrants in the NAS.

The President's FY 2024 budget request includes funding for the hiring and training of 1,800 controllers, an increase of 300 controllers as compared to the hiring level for FY 2023. This funding also supports the continued training of the 1,500 controllers hired in FY 2023. We have 2,716 trainees making their way through the system right now, and nearly 1,600 of these trainees are partially certified to work an air traffic control position, adding capacity to support operations. The budget request will allow the FAA to continue progress toward attaining the necessary Certified Professional Controller staffing levels to meet current traffic demands, which have returned to, and in some markets exceeded, pre-pandemic levels.

To increase this pipeline of new controllers, we are working with colleges and universities in the Air Traffic-Collegiate Training Initiative (AT-CTI) to expand their curriculums so that AT-CTI schools can offer training that is equivalent to the FAA Academy. Once implemented, graduates of the FAA-approved AT-CTI programs will still need to pass the Air Traffic Skills Assessment exam, be selected for employment by the FAA, and meet medical and security requirements. If hired as trainees, these graduates will be able to move directly to on-the-job training at the start of their employment instead of attending the FAA Air Traffic Controller Academy before being assigned to a facility as required today.

Similarly, we have launched several other initiatives to increase controller hiring:

- Initiating a year-round hiring track for experienced controllers from the military and private industry.
- Filling every seat at the FAA Academy and increasing our classroom capacity.

- Finishing the deployment of upgraded tower simulation systems (software and hardware) in 95 facilities by December 2025. As I mentioned earlier, the FAA deployed the first upgraded system in Austin last month. These tower simulation systems will help address staffing shortages by reducing time to certification by 27 percent for new hires and 21 percent for Certified Professional Controllers in Training.

Increasing our controller ranks will help mitigate risks associated with controller fatigue resulting from shifting schedules and excessive overtime. During my first three months at the agency, I met with air traffic controllers in Boston, Philadelphia, Dallas, and Washington, D.C. to get their perspective on issues facing the workforce. Controller fatigue came up repeatedly, which is why the agency established a panel of fatigue experts to study the issue. The panel will examine how the latest science on sleep needs and fatigue considerations could be applied to controller work requirements and scheduling. We look forward to receiving their report in the coming weeks.

CONTINUOUS SAFETY IMPROVEMENT

As we learned from the tragic accidents of Lion Air Flight 610 in 2018 and Ethiopian Airlines Flight 302 in 2019, we must continuously improve and reexamine processes and accepted procedures that support our safety mission by continuing to gather and use data to detect risks, simulate outcomes, optimize the agency's safety decision-making, challenge our organizational structures and assumptions, and introduce more transparency in how we do business.

My commitment to continuous improvement begins by looking internally within the FAA and is reflected in a number of actions we have taken over the last three months, including the following:

- To further strengthen our safety culture and the connection between the Air Traffic Safety Oversight Service (AOV) and the ATO, and consistent with the Safety Review Team recommendations, I realigned the AOV Executive Director to report to both the Associate Administrator for Aviation Safety and directly to me. AOV is responsible for directing independent, risk-based, data-driven safety oversight of air navigation services provided by the Air Traffic Organization. Direct, candid feedback is crucial to aviation safety, and that is why I have provided a direct line from the person who independently assesses the safety of air navigation services to the Administrator.
- I chartered the Mental Health and Aviation Medical Clearances Aviation Rule-making Committee (ARC). This ARC is comprised of members of the aviation and medical communities. It is intended to provide a forum for discussion among such communities and provide recommendations to the FAA that break down the barriers that prevent pilots and air traffic controllers from reporting and seeking care for mental health issues. The same disclosure issues exist for pilots and air traffic controllers and can impact safety. I expect the ARC to submit its report to me this spring.
- We proposed requiring certificated repair stations located outside the United States whose employees perform safety-sensitive maintenance functions on certain air carrier aircraft to obtain and implement a drug and alcohol testing program. These programs would align with the FAA and Department of Transportation (DOT)'s drug and alcohol standards.
- I am exploring how the agency can better collect and utilize safety data. We are assessing tools, techniques, and processes that will better identify and mitigate risk in the NAS.

ALASKA AIRLINES FLIGHT 1282 AND BOEING PRODUCTION PROBLEMS

On January 5, the left mid-cabin door plug blew out of Alaska Airlines Flight 1282. The next day, on January 6, the FAA issued an emergency airworthiness directive grounding all 737-9 MAX aircraft with the door plug configuration.

We then approved a thorough inspection and maintenance process that was performed on each of the grounded aircraft before returning to service. Our findings during inspections of those aircraft showed that the quality system issues at Boeing were unacceptable and require further scrutiny. That is why we are increasing oversight activities including:

- Capping expanded production of new Boeing 737 MAX aircraft to ensure accountability and full compliance with required quality control procedures.

- Launching an investigation scrutinizing Boeing's compliance with manufacturing requirements. The FAA will consider the full extent of its enforcement authority to ensure the company is held accountable for any non-compliance.
- Aggressively expanding oversight of new aircraft with increased floor presence at all Boeing facilities.
- Closely monitoring data to identify and mitigate significant safety trends and risks in the system.
- Launching an analysis of potential safety-focused reforms around quality control and delegation.

As we increase our oversight of Boeing, we also look forward to the results of the Boeing Safety Culture Review report, which will inform the agency regarding future action. Required by the Aircraft Certification, Safety and Accountability Act, the review panel included representatives from NASA, the FAA, labor unions, independent engineering experts, air carriers, manufacturers with delegated authority, legal experts, and others. The panel has been reviewing thousands of documents, interviewed more than 250 Boeing employees, managers, and executives, Boeing supplier employees, and FAA employees and visited several Boeing sites as well as Spirit AeroSystems' (a subcontractor for Boeing) facility in Wichita.

Let me stress: we will follow the data and take appropriate and necessary action. The safety of the flying public will continue to inform our decision-making. We will continue to implement the Aircraft Certification, Safety, and Accountability Act as recent events underscore the importance of continuously looking for ways to improve and refine safety oversight activities.

Additionally, the FAA has been working closely with the National Transportation Safety Board (NTSB) to support their investigation of the incident. We will take further safety actions based on the findings, as necessary.

NATIONAL OUTREACH PROGRAM FOR DIVERSITY AND INCLUSION

Before I close, I would like to address inaccurate reporting related to the FAA's National Outreach Program for Diversity and Inclusion. Congress enacted equal employment opportunity laws years ago, and we comply with them. Let me be clear—all FAA employees contribute to our safety mission. The FAA employs tens of thousands of people for a wide range of positions, from administrative roles, like a clerical assistant, to oversight and execution of critical safety functions, like an air traffic controller. Like many large employers, the agency seeks qualified candidates from as many sources as possible, all of whom must meet rigorous qualifications that of course vary by position. These policies go back over several bipartisan administrations. Any statements to the contrary are misleading. The FAA must follow the law in its hiring practices. It does and will continue to do so as long as I am honored to lead the agency.

CLOSING OBSERVATIONS

In the three months since I have been back at the FAA, I have reaffirmed that our employees are our most important asset. I have met with the FAA employees who work daily to carry out the agency's mission. I saw first-hand their professionalism and commitment, and I hold them in the highest regard.

Notably, I began my tenure as FAA Administrator shortly before the busiest time of the year for air travel, and 2023 was also the busiest year for air travel ever. I saw firsthand the steadfast professionalism of our controllers as I visited various FAA facilities during the holiday season. They worked around the clock so that passengers were safe from takeoff to touchdown, and it is because of them that travel during the holiday season was notably smooth. From Sunday, December 17, 2023, to Monday, January 1, 2024, the cancellation rate was just 0.8 percent despite a record number of passengers flying during the busy holiday season. The cancellation rate during that same period in 2022 was 8.2 percent. Taking a broader view, in 2023, there were 16.3 million flights and a cancellation rate below 1.2 percent, the lowest rate in a decade.

I appreciate the opportunity to serve as Administrator of the FAA, and I am confident in the FAA's ability to address the challenges ahead. I also want to express the Administration's support for the enactment of a long-term FAA reauthorization bill and commend the bipartisan efforts in the House to complete this important work. I look forward to working with Congress as it considers the Administration's recently submitted views and finalizes the FAA reauthorization bill.

I am happy to answer any questions you may have.

Mr. GRAVES OF LOUISIANA. Thank you, Administrator. I recognize myself for questions.

In 2020, Congress passed the Aircraft Certification, Safety, and Accountability Act in response to design flaws which contributed to the crashes of two Boeing 737 MAX aircraft. One of the provisions of that bill requires aircraft manufacturers to implement safety management systems.

Given what you have learned so far from the Alaska Airlines flight 1282 incident and challenges that Boeing has had with quality control, is the FAA considering further action with SMS requirements for aircraft parts suppliers or other entities involved in aircraft manufacturing, whether that be rulemaking, regulatory changes, or requesting changes in the law?

Mr. WHITAKER. Thank you, Chairman Graves. That's a great question.

The SMS process is really the core technology for our safety systems. So, we have a rule now that rolls this out to manufacturers and part 135 operators. Boeing has been voluntarily deploying an SMS system.

One thing we have learned in this particular set of circumstances with the Alaska flight was that we need to make sure those SMS systems are talking to each other, and we need to make sure we are getting all the data that we can from those systems, and have the tools to analyze those.

To your specific question, the rule that is out there covers manufacturers. It doesn't necessarily cover all the component part manufacturers, but an OEM has the ability to impose those terms by contract, and we would expect that, as part of their safety management system, they would insist on those types of controls with particularly key suppliers like Spirit AeroSystems.

Mr. GRAVES OF LOUISIANA. Thank you. And obviously, the committee is going to be working very closely with you and NTSB to make sure that we get this right.

Administrator, I am going to be really candid. Looking back on what happened in the aftermath of the MAX incidents, I can't help but think that the FAA had a lot of trouble walking and chewing gum, candidly. I think that they really struggled with being able to carry out all of their duties and responsibilities.

And so, turning to drones, I want to bring up BVLOS, and I heard Ranking Member Larsen bring it up, as well. The Beyond Visual Line of Sight Aviation Rulemaking Committee submitted its final report to the FAA nearly 2 years ago. While I don't think it was perfect, I think it's a pretty good roadmap on how to move forward. Can you give some projection for what the aviation industry should be expecting in that regard?

Mr. WHITAKER. I think there has been a lot of interaction with stakeholders over BVLOS. And I know, from my roles before taking this position, there has been some frustration on how quickly that might be moving. We do expect to have the NPRM out this year, so, it is a priority, and we will continue to push that forward.

Mr. GRAVES OF LOUISIANA. I can't emphasize enough how important I think it is for the FAA to be able to manage all of its various functions to maintain the certainty and predictability that these

new entrants need into market, while we are also continuing to advance our gold standard of safety in the United States.

Last question.

Mr. WHITAKER. I agree with that.

Mr. GRAVES OF LOUISIANA. Thank you. Administrator, there are provisions in the 2016 FAA bill and 2018 FAA bill that have not been fully implemented yet. Here we are, advancing a 900-page, 2023 or 2024 FAA authorization bill.

The House and Senate bills have a number of identical provisions. While it's very difficult to improve upon the perfection, the Senate is trying to add some new things. I want to hear from you. What is the FAA doing to ensure that they are going to hit the ground running, be able to comply with and implement this bill in a manner that is as urgent as the law is in regard to addressing a number of the safety and new entrant and passenger experience issues that we have solved in the legislation?

Mr. WHITAKER. So, what I can say is, I can commit to you that, when this bill passes, we will work hard to work together to have work plans on all of these various initiatives, and communicate with you on our expectations as far as when we can meet those.

So, I think what we can do is make sure we have good, open communication about how we will execute on the provisions of that bill.

Mr. GRAVES OF LOUISIANA. Administrator, in my 30 seconds here I am just going to say that as much blood, sweat, and tears as the folks up here, the aviation team, has gone through over the past few years in putting this legislation together, striving to reach bipartisan consensus, and addressing many of the urgent issues in the aviation industry, I am hopeful that the FAA will treat the implementation with the same urgency as we have in putting the legislation together.

Mr. WHITAKER. We will, and we appreciate that effort. We welcome this bill.

Mr. GRAVES OF LOUISIANA. Thank you. I recognize Ranking Member Cohen for 5 minutes.

Mr. COHEN. Thank you sir.

Mr. Administrator, what parts of the production oversight and quality assurance of Boeing airplanes are considered delegated by the FAA to the manufacturer?

And how does the FAA oversee Boeing representatives when they are performing those delegated functions?

Mr. WHITAKER. Well, there are a couple of answers to that question.

One, we have tasked MITRE to actually look sort of at a technical level on where the delegations are and what our options are with respect to delegation.

Quality control and quality assurance are a key function for a manufacturer, so, it normally falls within the purview of that manufacturer, although there is no reason to not have those types of functions done by a third party. So, I think that is something we want to look at, as well.

At a macro level, I think with manufacturing, there has been an oversight approach that has focused heavily on audit, checking the paperwork to make sure it is correct and making sure the systems

are in place. We are migrating to a system that is, I would call, “audit plus.” So, we are going to have more of a surveillance component, much like you would find on the flight line or in maintenance stations where inspectors are actually on the ground talking to people and looking at the work that is being done.

So, we are proposing at this point to expand the oversight approach to include both audit and inspection, which is why we are moving inspectors into the facilities.

Mr. COHEN. I presume we look at what has been done around the world and get best practices on all these things.

Mr. WHITAKER. Well, we like to think that we are the best practices, and—

Mr. COHEN [interrupting]. I like to think that, too.

Mr. WHITAKER [continuing]. We want to—

Mr. COHEN [interrupting]. And we may be, but Airbus kind of claims that they are doing pretty good.

Mr. WHITAKER. Yes. We do pay attention to what others are doing. I think, in this case, I think we know what we need to do next, which is to have more on-the-ground presence to verify what’s going on.

Mr. COHEN. Thank you, sir. The committee passed into law the Aircraft Certification, Safety, and Accountability Act, which was a direct response to the MAX 8 crashes. Can you provide an update to us on what the FAA’s implementation of that has been, particularly the sections we highlighted in the letter that we sent you last week?

Mr. WHITAKER. I can. The sections that you specifically highlighted, we have completed much of that work.

You highlighted section 102 around SMS. So, that rule has been pushed out, and SMS systems are being deployed.

The culture survey of section 103 is due within a month. We are very much looking forward to getting that data around Boeing’s safety culture. That will inform some of our adjustments to the risk model approach.

We have updated the ODA policy under 107. We have completed standing up the EC and SC for compliance under 122 and 125, incorporated the ODA best practices into our process.

Mr. COHEN. Thank you, sir, and I would like to take two of my pet issues, which are also important issues to, I think, everybody on the committee, and that is evacuation of airplanes in the required 90 seconds and also seat size that is safe for people to ingress and egress.

We have passed laws to say that they had to do a study on seat size and on evacuation. And what they did on evacuation was embarrassingly poor and didn’t have a model of what an aircraft looks like and the passengers. It had nobody over, I think, 60 years of age, and nobody under 7 or 8 or whatever. And they claim that was for liability purposes. Well, that’s hooy. And they also didn’t have any dogs on there, and packages, or people with disabilities et cetera, et cetera.

There were 26,000 comments in response to that SEAT Act that the FAA requested public comments of—26,000 comments. Considering the request closed in November 1 of 2022, when can we expect the FAA to issue a final rule on the issue of seat dimensions?

Mr. WHITAKER. So, I am familiar with the work that has gone on around that and those comments. I think it is important for us to make the distinction between what might be economic regulation and what is a safety regulation. So, a lot of the comments focused on more "I want more leg room" type of comments versus safety provisions, but we are taking all those comments into account.

Typically, with evacuations, the problems tend to be piling up at the exits, rather than getting out of the seats. So, we have had trouble identifying issues around difficulty with seats. It tends to be piling up on the exits. But all of that information has been considered, and we will certainly take your feedback as well, sir.

Mr. COHEN. Thank you. I have got to close out, but I appreciate your giving serious consideration to getting this done. Seat size does have to do with getting out of the plane, and if you are crowded in there, and you have got somebody next to you that is physically challenged because of girth, it makes it difficult to get out, and I can't imagine people doing—in Japan, it was 18 minutes. So, if you work on this 90 seconds, work on the seat size, realize safety and comfort can be the same.

Mr. WHITAKER. Yes, sir.

Mr. COHEN. I yield back.

Mr. WHITAKER. Yes, sir.

Mr. GRAVES OF LOUISIANA. Thank you, Mr. Cohen. The chairman is going to defer to Mr. Perry for 5 minutes.

Mr. PERRY. I thank the chairman. Thank you, Administrator Whitaker. I am going to start out with a couple of perfunctory questions here.

Would you agree that the Airport Improvement Program Grant Assurance, "19: Operation and Maintenance," requires the following—I am going to read this right out of the manual here—"The airport and all facilities which are necessary to serve the aeronautical users of the airport, other than facilities owned or controlled by the United States, shall be operated at all times in a safe and serviceable condition and in accordance with the minimum standards . . . for maintenance and operation. It will not cause or permit any activity or action thereon which would interfere with its use for airport purposes." Do you agree with that? I mean, it is out of the manual.

Mr. WHITAKER. I mean, I am not familiar with it by word, but sounds—

Mr. PERRY [interrupting]. OK, yes, it sounds right.

Mr. WHITAKER. I take your word for that.

Mr. PERRY. OK. So, would you also agree that the FAA Airport Compliance Manual, "Section 22.6, Request for Interim Use of Aeronautical Property for Other Uses," generally requires the FAA to approve the use of airport facilities for nonaeronautical purposes and, in fact, it explicitly states that the FAA approval shall not be granted if the FAA determines that an aeronautical demand is likely to exist within the period of interim use?

Mr. WHITAKER. I believe that is accurate. That is my understanding.

Mr. PERRY. Yes, it is right out of the manual. I will give it to you if you want to see it.

So, these documents from the FAA make it abundantly clear that airports are restricted in their ability to use their facilities for non-aeronautical purposes. And when they are doing that, or when they are requesting so, they must receive FAA approval. The restrictions are in place to protect the flying public and the safety, but also to protect the investment that taxpayers have made in federally funded airports.

Yet, I will tell you, I have seen a disturbing trend in cities choosing to use their airports—such as Chicago O’Hare, Midway, Boston’s Logan—as facilities to house illegal foreign nationals brought here by the administration’s—well, I am going to say “failure” to enforce the immigration laws on the books. And that clearly falls, in my mind, into the category of nonaeronautical use.

Now, my question to you is, has the FAA approved any request to use airports to house illegal foreign nationals?

Mr. WHITAKER. So, to your explanation, the FAA does have a role in—

Mr. PERRY [interrupting]. I know it does, but I am just asking if you have approved—you are the Administrator. Has the FAA approved any requests to house illegal foreign nationals?

Mr. WHITAKER. So, I am going to answer that if you will let me.

Mr. PERRY. OK.

Mr. WHITAKER. Because my understanding is—

Mr. PERRY [interrupting]. I just want to use the time efficiently here.

Mr. WHITAKER. Yes. So, the FAA does approve requests for community use, whatever the category. There is a huge number of categories for community use, and our criteria is whether it interrupts aeronautical uses or is otherwise disruptive—

Mr. PERRY [interrupting]. So, how many—

Mr. WHITAKER [continuing]. Or whether there is a—

Mr. PERRY [interrupting]. How many requests have been approved for housing illegal foreign nationals?

Mr. WHITAKER. My understanding is there has been one airport that has made that request.

Mr. PERRY. So, the others that I mentioned—well, was the one that made the request any of the ones that I mentioned?

Mr. WHITAKER. I believe it was—it was either Kennedy or O’Hare. I can’t remember for sure.

Mr. PERRY. OK, so, it could be O’Hare, but then it wouldn’t be Midway or Logan, yet they are housing illegal foreign nationals at the airport.

Did the FAA make the required determination that no aeronautical demand is likely to exist?

This is an airport, and I am reading right from your regulation here, chapter 22.6. Did the FAA make that determination?

Mr. WHITAKER. The determination was that it did not interfere with aeronautical uses.

Mr. PERRY. So, in that case, I guess, the FAA won’t enforce its grant assurances, which it says right here, literally on number one, “These assurances shall be complied with in performance of grant agreements for airport development, airport planning, noise compatibility program, grants for airport sponsors.”

So, the Federal Government is paying for it. They make the agreement, agree to it, and then don't follow it. And the FAA is not going to do anything about it.

I want to yield some time to a friend, but let me just ask this question. How does walling off portions of the airport to house unvetted illegal foreign nationals, which passengers in America have to walk beside—these are unvetted, illegal foreign nationals—how does that promote safety or utility or efficiency in these airports?

Mr. WHITAKER. I think you are out of my area of expertise. I am not familiar with that circumstance.

Mr. PERRY. I think that answers the question. I am going to yield some time to my good friend from Texas, Mr. Nehls.

Mr. NEHLS. I thank you, sir.

Mr. Administrator, I am going to reference a letter dated February 5, 2024, to the Honorable Maria Cantwell and Honorable Ted Cruz. Are you familiar with this letter on February 5 that you sent?

Mr. WHITAKER. I am not sure what the topic is.

Mr. NEHLS. OK, I am going to make sure, because I have only got—I am going to make sure that you get a copy of this letter so when it comes to me—I have a lot of questions regarding this letter.

I yield back.

Mr. GRAVES OF LOUISIANA. Thank you. The gentleman yields back. I recognize the ranking member of the full committee, Mr. Larsen, for 5 minutes.

Mr. LARSEN OF WASHINGTON. Thank you. Thank you, Administrator, for coming today, helping us out on some things.

The first question I had, in your testimony, you mentioned the hotline that workers can call, as well as a whistleblower hotline. Do you have that phone number? Can you, for the record, state what it is? Can you remind folks where they can go in order to make that call?

Mr. WHITAKER. We have a link on our website, so, faa.gov, where you can go find access to that hotline. We have also set up a specific hotline for Boeing employees, which we have had communicated out at the factory so they can reach us directly.

Mr. LARSEN OF WASHINGTON. Is that on faa.gov, as well?

Mr. WHITAKER. Yes. Yes, it is.

Mr. LARSEN OF WASHINGTON. So, for Boeing employees, they can go to faa.gov right now if they have any concerns?

Mr. WHITAKER. Absolutely.

Mr. LARSEN OF WASHINGTON. Is that a confidential communication?

Mr. WHITAKER. It is run through a very confidential process. We have a group that focuses on whistleblowers to make sure identity is protected and that appropriate actions are taken.

Mr. LARSEN OF WASHINGTON. Thank you very much. I know FAA has chosen to put inspectors in the facilities. Does that include in Spirit, as well?

Mr. WHITAKER. We do have inspectors in Spirit, as well, yes.

Mr. LARSEN OF WASHINGTON. Yes. And that's new. And can you give us a range of the numbers of people that you have deployed into the Boeing and Spirit facilities?

Mr. WHITAKER. I think we have about two dozen at Boeing and maybe a half a dozen at Spirit.

Mr. LARSEN OF WASHINGTON. Yes. And can you give an indication of whether you think that will be permanent? Is this going to be short-term? How long does this last? Is it part of what you need to be doing as part of a permanent solution?

Mr. WHITAKER. So, we are undertaking a 6-week audit. So, we are in the middle of that now. And that audit will give us guidance on where we need to go.

I think we are also going to look at this culture survey that is due at the end of the month, and then make a determination of how many folks we need on the ground in both places. So, we haven't made that determination, but I do anticipate we will want to keep people on the ground there. So, we don't know how many yet, but we do think that presence will be warranted.

Mr. LARSEN OF WASHINGTON. Do you have any initial thoughts on the impact of the MAX 9 accident and its influence in your decisionmaking about ODA authorities and how much to pull back from Boeing at this time?

Mr. WHITAKER. I think the events of January 5, it really created two issues for us. One, what's wrong with this airplane? But two, what's going on with the production at Boeing?

And there have been issues in the past, and they don't seem to be getting resolved. So, we feel like we need to have a heightened level of oversight to really get after that. So, it was certainly triggered by the MAX 9, yes.

Mr. LARSEN OF WASHINGTON. But nothing—no permanent decision yet about removing some authority from the ODA organization at Boeing?

Mr. WHITAKER. No—

Mr. LARSEN OF WASHINGTON [interrupting]. On a permanent basis?

Mr. WHITAKER [continuing]. No permanent decisions. I mean, we have tasked MITRE to give us a view on what the options are. I have heard a Boeing CEO mention an option for third-party quality control. So, I think it's important that we look at all options on the table and understand how do we make changes that are going to give us a different result than we've had.

Mr. LARSEN OF WASHINGTON. Yes, thanks. I want to move a little bit more to the FAA bill that we passed.

I jokingly asked you ahead of time if—I was going to ask you if it was a great bill or greatest bill, but we really want to impress upon the Senate how important this is to get—they are trying to get it done, but how important it is to get a final bill done.

Is there anything in that bill—can you talk to anything in that bill that you would have needed ahead of this—ahead of January 5, or do you have everything that you need, at least for this particular investigation?

Mr. WHITAKER. Well, I guess I will make two comments. One is, we really appreciate the effort on the bill because it creates a huge amount of disruption to not have it. So, the constant running up

against deadlines, I have only been there 3 months, and I have probably had a dozen meetings on what happens if there is a shut-down, what happens if we don't have authorization. So, it does create a lot of uncertainty for us.

I don't see anything in particular that—it is possible I will come back in 6 months and tell you that we need something. I think we are going to need more boots on the ground, we are going to need more inspectors. We don't have that many inspectors on the aircraft certification side of the house, so, that will be an addition of manpower. But we haven't scoped that, and I think we can do it within our current authorities as long as we can find the funds for it.

Mr. LARSEN OF WASHINGTON. Yes, great. So, I did outline some of the issues in the 2023 bill on accessibility, on BVLOS, a few other things, and we will just get back to you with those for the record—

Mr. WHITAKER [interposing]. Great.

Mr. LARSEN OF WASHINGTON [continuing]. As well, but thanks for coming up. I appreciate it.

And I yield back.

Mr. WHITAKER. Yes.

Mr. GRAVES OF LOUISIANA. Thank you, Ranking Member Larsen. Chairman Westerman is going to defer, and we are going to recognize the gentleman from Florida, Mr. Mast.

Mr. MAST. Thank you, Chairman, Administrator. I want to talk a little bit about training and air traffic controllers, and I want to go back to November.

You announced that the FAA would expand Collegiate Training Initiative, also known as CTI, and those programs to harness specifically the underutilized capacity among college programs that meet the FAA's equivalent levels of safety to help train air traffic controllers—we all know that's something that we need—and help address that shortage of potentially 3,000, maybe more, maybe a little less, air traffic controllers, certified controllers.

And my question is, I want you to bring us up to speed on what the FAA has done since November to implement a new enhanced CTI program. What's being done?

Mr. WHITAKER. So, we have done a—what we are trying to do is make sure that these schools are duplicating the curriculum that we teach at the Academy. So, we have put some definition around what that curriculum is, and also looking at what physical tools they need. So, flight simulators, tower simulators, things of that nature to put together a very clear curriculum.

And my goal is to make sure that in the academic year 2024–2025 we are actually executing on this, so that we start to see graduates from those schools come directly into FAA to be controllers. The immediacy of the issue is why we are pushing so hard. So, of the couple dozen CTI schools out there, we are hoping to have at least half of them able to start training students beginning in the fall.

Mr. MAST. Do you see new programs opening up as a result of your efforts?

Mr. WHITAKER. I would like to see that. It hasn't been our initial focus. We are trying to work with the schools that are already sort

of set into that space, but I don't see any reason why other schools, particularly those with a technical bent, can't have this program, as well.

Mr. MAST. OK, that is the extent of my questioning today.

Mr. Chairman, I yield back the remainder of my time. Thank you.

Mr. GRAVES OF LOUISIANA. Thank you, Mr. Mast. I recognize the gentleman from Arizona, Mr. Stanton.

Mr. STANTON. Thank you very much, Mr. Chairman, and to the Administrator, thank you for being here, for coming to speak to us today, your first hearing before this committee.

Americans are upset. They have a right to be upset. Last month, door plugs failed on a 737 MAX 9 and caused a door plug to fly off mid-flight. Thank God no one was seriously injured in this accident. But make no mistake, this was a close call, too close. The incident, along with reports of near-misses of planes colliding as they depart and arrive at America's airports in the past year, is concerning and, frankly, unacceptable to all of us on this committee.

We need to pass a comprehensive Federal Aviation Administration reauthorization bill that's currently sitting in the United States Senate to give the FAA and this Administrator the tools they need to enforce safety rules and prevent catastrophe. In this very committee, we crafted a strong, bipartisan, 5-year FAA bill, and the House passed it nearly unanimously. We did our job, and now the Senate needs to do theirs as quickly as possible.

Mr. Whitaker, as the FAA Administrator, you are the head of aviation oversight and safety. I want to underscore what the ranking member has discussed here today in terms of oversight, particularly on production facility inspections, a crucial part of making sure our planes are safe. Section 521 of the House FAA reauthorization calls for the FAA to update the risk model used to inform frequency of these inspections, but we have problems right now.

Can you, in a couple of sentences, explain how the agency determines the frequency of these inspections and what impact these inspections have on production?

Mr. WHITAKER. Thank you, sir. The agency uses a risk model with respect to manufacturers that—it is a fairly uniform survey to identify the level of risk. And so, how many inspections would be driven by that. That model will likely evolve based on the roll-out of SMS systems, which should reduce risk and give us better insight into what's happening, and also in the case of Boeing, based on the culture survey that we expect to receive later this month.

Mr. STANTON. Thank you. I want to address another issue that was touched upon by our ranking member, and that is the recent trend of mishandled or damaged wheelchairs of aviation passengers.

This recent trend of mishandled or damaged wheelchair incidents by commercial airlines raises serious concerns about the systemic barriers for passengers with disabilities. How is the FAA working to prevent these incidents and improve accessibility for air travel for people with disabilities?

Mr. WHITAKER. Thank you, sir. The DOT has a large role in this related to how customers are treated on aircraft. So, we work very

closely in supporting DOT to make sure accessibility is an option and that innovations can happen to make sure that is enabled.

Mr. STANTON. OK. It is an important issue for us. You are going to hear a lot more from this committee on it.

Mr. WHITAKER. Yes, sir.

Mr. STANTON. We need to up our game, if you will, in terms of improving the travel experience.

On near-misses I mentioned, in response to the recent trend of runway near-misses at some U.S. airports, the House-passed FAA reauthorization would expand ground surveillance and detection equipment at large and medium-hub airports. How would increasing the deployment of this technology help air traffic controllers and flightcrews?

Mr. WHITAKER. I think these near-misses are one of those areas where there is a lot of ability to have tailored solutions for each airport. Every airport is different, it has its own challenges. But a lot of these surface awareness technologies or tools in the tower can really make the difference and create awareness to avoid these types of mishaps.

Mr. STANTON. Thank you so much. In my remaining time, Administrator, I want to give a thank you. I want to thank you and the FAA for the collaborative partnership in helping Phoenix-Mesa Gateway Airport expand its infrastructure to accommodate extraordinary growth.

Gateway Airport is the busiest contract air traffic control tower in the region and contributes nearly \$2 billion to our regional economy. They recently completed their new Terminal South Concourse, due in part to \$14.4 million in the Bipartisan Infrastructure Law funds. A ribbon cutting will be held in a couple of weeks. The cooperation between the FAA and our Arizona delegation in Congress has been crucial to this growth, and I look forward to a continued strong working partnership to implement innovative ways to increase capacity at Gateway.

With that, I thank you, and I yield back.

Mr. WHITAKER. Thank you.

Mr. GRAVES OF LOUISIANA. Thank you, Mr. Stanton. I recognize the gentleman from Arkansas, Mr. Westerman, for 5 minutes.

Mr. WESTERMAN. Thank you, Chairman Graves. Thank you, Administrator Whitaker—over here.

I want to follow up with my colleague Mr. Perry's line of questioning. I know your whole testimony was basically about safety, and we all want safe airports, and Mr. Perry read to you from the manual about how a nonaeronautical purpose for an airport has to be approved by the FAA, and you stated that only one airport had approval to be used for the nonaeronautical purpose of housing migrants. Would you like to correct that answer, or is that the answer you want to stick by?

Mr. WHITAKER. To my knowledge—and this is not an issue that—I have only been there 3 months, it is not an issue I have spent much time on, but to my knowledge, there was only one application.

It's also my understanding that applications are only involved if it is behind security. So, other properties on airports don't come

through our office for approval. It's really just behind security properties.

Mr. WESTERMAN. So, it's well documented that many airports have been used for this purpose. So, do you think these airports are in violation of any Federal law, or do you think they found a way around that?

Mr. WHITAKER. I assume they are in compliance. I have not heard otherwise, but our role is to make sure that the proper procedures are followed.

Mr. WESTERMAN. This is an issue that I didn't think we would have to deal with in Congress. I chair the Committee on Natural Resources, and we have got a similar issue with National Park Service land where the administration has approved use of National Park Service land to build migrant shelters, which—that's kind of crazy that you would think that that would even be an issue. But it has happened.

And in researching the process how that happens, it appears that maybe Secretary Mayorkas had a lot more to do with that than even the DOI Secretary. Are you aware of any meetings between Secretary Mayorkas and Secretary Buttigieg to discuss issues of using FAA or using airports to house migrants?

Mr. WHITAKER. I am not aware of any, no.

Mr. WESTERMAN. Are you aware of any meetings between other DOT or DHS officials to discuss this issue?

Mr. WHITAKER. I am not.

Mr. WESTERMAN. Have you been in any meetings regarding this, or phone calls?

Mr. WHITAKER. Just getting briefed for this hearing. Otherwise, I have not had any meetings.

Mr. WESTERMAN. So, is this—we sent a letter, Chairman Graves, chairman of the full committee, I think 60-some-odd Members signed the letter last November asking about this issue. And as of today, we have still received no response. I know you are new, but why do you think we would be getting delayed on a response on this issue?

Mr. WHITAKER. I don't know, but I am happy to follow up afterwards, sir.

Mr. WESTERMAN. So, you will follow up. Will you follow up with Secretary Buttigieg, as well?

Mr. WHITAKER. I will follow up on the status of the letter, and I will let you know.

Mr. WESTERMAN. All right. It's amazing that this is something that has been very well documented in the news, and there seems to be no response from the administration. And you—I know you are new, again, but you have no real knowledge of what's going on here or the rules associated with it. So, yes, if you would, follow up with Secretary Buttigieg and tell him we are still waiting for his response.

And Mr. Chairman, I yield back—Mr. Chairman, I yield my time remaining time to Mr. Nehls.

Mr. GRAVES OF LOUISIANA. The gentleman from Texas is recognized.

Mr. NEHLS. Thank you, Mr. Chairman.

So, Mr. Administrator, you received—did you look at that letter that I referenced that was dated February 5? You sent it to Cantwell and Ted Cruz.

Mr. WHITAKER. Yes, I have that.

Mr. NEHLS. All right. Did you write that letter?

Mr. WHITAKER. Did I write the letter?

Mr. NEHLS. Yes, sir.

Mr. WHITAKER. No, it was drafted for me.

Mr. NEHLS. It was drafted for you. Who drafted it for you?

Mr. WHITAKER. I don't know. It went through a process, as this issue was developed internally to respond to requests for technical assistance on various issues—

Mr. NEHLS [interposing]. OK.

Mr. WHITAKER [continuing]. With the reauth bill.

Mr. NEHLS. Is this letter the official position of the FAA, to oppose raising the mandatory retirement age without a study beforehand?

Mr. WHITAKER. The official position is that we don't have a position on the retirement age, but if it changes, we would like to have data to support the change.

Mr. NEHLS. OK. So, I want to be clear. So, for everybody listening, the FAA, the Administrator, does not have an official position on whether Congress—we passed it in the House—should raise the mandatory retirement age from 65 to 67.

Mr. WHITAKER. Our role has been to identify issues around that, and we have identified two, one about international compliance and then one about understanding the data of changing the age from 65 to 67.

Mr. NEHLS. Did ALPA influence your decision to write this letter? Did ALPA have any influence in the drafting of this letter, yes or no?

Mr. WHITAKER. Not that I am aware of.

Mr. NEHLS. OK. I will yield.

Mr. GRAVES OF LOUISIANA. The gentleman yields back. My friend from Kansas, Ms. Davids, is recognized for questions.

Ms. DAVIDS OF KANSAS. Thank you. Thank you to Chairman Garret Graves and to Ranking Member Cohen for this hearing today, and thank you also to Chairman Sam Graves and Ranking Member Larsen for their leadership on passing a commonsense, bipartisan reauthorization of the Federal Aviation Administration in the House last year.

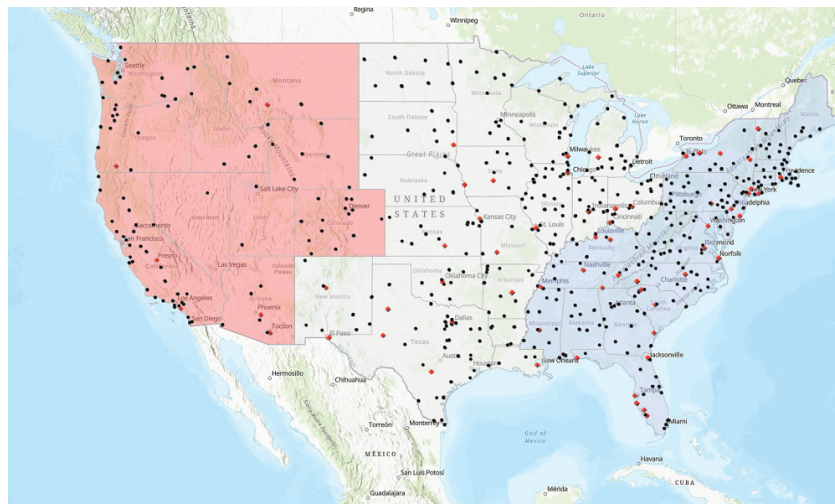
Mr. Whitaker, welcome to the Aviation Subcommittee, and thank you for taking the time to be here. I do believe your experience and leadership will be invaluable at the FAA. I would like you to address an issue that's affecting the National Airspace System, which is aging infrastructure and functional obsolescence.

The failure of the FAA's NOTAM system in January of 2023 highlights the risk to the flying public when aging, safety critical aviation infrastructure isn't replaced in a timely way. And sadly, the FAA now operates and maintains one of the oldest collections of safety critical aviation infrastructure in the world. One such system in the NAS desperately in need of replacement is ILS, or instrument landing systems.

There is a map up there. I have got one here. This ILS map demonstrates just how many 1970s-era Mark 1F systems are in operation in the NAS. The FAA has more than 1,200 ILS systems located at hundreds of airports across the country.

[Slide]

Slide: Map of 1970s-Era Instrument Landing Systems in Operation in the National Airspace System, Submitted for the Record by Hon. Sharice Davids



Ms. DAVIDS OF KANSAS. The ILS is the only system approved by FAA to support all-weather landings at the Nation's busiest airports. As such, these systems are required to remain in operation for the foreseeable future. However, the vast majority of these safety-critical systems were placed into service in the 1970s and 1980s and are now functionally obsolete. In Kansas alone, 17 of the 21 systems, which is 81 percent, are functionally obsolete.

This body passed the Bipartisan Infrastructure Law more than 2 years ago with a set-aside of \$5 billion to replace these aging systems. But the FAA told industry leaders and members of this committee that modernization of these systems wasn't an eligible expense under the program.

Then-Aviation Subcommittee Chairman Larsen and I subsequently engaged in a colloquy on the floor on December 9 of 2021, which is shown here, expressing congressional intent that this was, in fact, an eligible expense.

[Slide]

Slide: Hon. Davids' and Hon. Larsen's Colloquy on House Floor, December 9, 2021, Submitted for the Record by Hon. Sharice Davids



December 9, 2021

CONGRESSIONAL RECORD—Extensions of Remarks

E1345

EXTENSIONS OF REMARKS

GROUND-BASED AIR TRAFFIC MANAGEMENT

HON. SHARICE DAVIDS

OF KANSAS
IN THE HOUSE OF REPRESENTATIVES

Thursday, December 9, 2021

Ms. DAVIDS of Kansas. Madam Speaker, I rise today to engage with my colleague, Representative RICK LARSEN, the Chair of the House Transportation and Infrastructure Subcommittee on Aviation.

I thank Representative LARSEN for his hard work to ensure that aviation priorities were included in the Infrastructure Investment and Jobs Act. I am concerned about the many ground-based air traffic management systems that are now operating well beyond their planned service life. This includes the Federal Aviation Administration's (FAA) network of more than 2,700 navigation and landing systems located at more than 1,500 sites in all 50 states. For the last 20 years, the FAA has been systematically dedicated to the implementation of NextGen to enable more efficient flight operations in the National Airspace System. During this period, investment has shifted away from legacy ground-based air traffic control infrastructure. It is important for us all to recognize that aging electronic systems cannot be sustained indefinitely. I am concerned that accelerating rates of component failures combined with parts obsolescence creates a risk of field failures that would threaten aviation safety and the flying public.

I am pleased that Division J, Title VIII of the Infrastructure Investment and Jobs Act provides \$5 billion over 5 years for the FAA's Facilities and Equipment account. Included in this amount is funding to address investment and modernization shortfalls in ground-based aviation infrastructure, including landing and navigational aids. These systems are critical to maintaining safety in the national airspace and providing operational resiliency.

Representative LARSEN, I am glad that the bill reflects our shared priorities of providing more funding to the FAA's Facilities and Equipment budget and I want to be certain that a proportionate amount is spent on modernization of crucial infrastructure, such as lighting and landing systems. Is it your understanding that this is consistent with the intent of the committee? Can we continue to work to ensure that the U.S. Department of Transportation's 2022 spend plan reflects these congressional priorities?

GROUND-BASED AIR TRAFFIC MANAGEMENT

HON. RICK LARSEN

OF WASHINGTON
IN THE HOUSE OF REPRESENTATIVES

Thursday, December 9, 2021

Mr. LARSEN of Washington. Madam Speaker, I share the concerns of my friend from

Kansas regarding the need to upgrade the Nation's ground-based aviation infrastructure in a much timelier fashion. Aviation is a part of the backbone of the U.S. economy and keeping all aspects of the system up to date is essential to continued growth and quality of life for all Americans. The backlog of ground-based navigation aids that are currently operating past their useful life is real. In fact, at the current slow pace of modernization, some of these systems will be more than 100 years old by the time they are replaced.

As Chair of the Transportation and Infrastructure Subcommittee on Aviation, I am committed to addressing this issue before it becomes a crisis for the aviation system. The funding in the Infrastructure Investment and Jobs Act will give the Federal Aviation Administration (FAA) the tools it needs to make significant improvements in the safety and reliability of critical ground-based infrastructure by acquiring, installing, and commissioning new instrument landing systems; distance measuring equipment; tactical air navigation equipment; runway lighting systems; and very high frequency omni-range equipment. Further, this funding supports the FAA's administrative expenses, including salaries, giving the agency the flexibility to bolster its workforce and implement innovative solutions to accelerate the modernization of these systems.

Ensuring the safety and reliability of the Nation's ground-based aviation infrastructure is a priority of the Transportation and Infrastructure Committee, and I am committed to working with Representative DAVIDS on this issue as we move forward, including oversight on the U.S. Department of Transportation spend plan.

HONORING ED AVERILL'S RETIREMENT

HON. JOHN JOYCE

OF PENNSYLVANIA
IN THE HOUSE OF REPRESENTATIVES

Thursday, December 9, 2021

Mr. JOYCE of Pennsylvania. Madam Speaker, I rise today to congratulate Edward Averill on his upcoming retirement.

After forty-six years of service with the United States Army as both a soldier and as a civilian, Mr. Averill will retire after serving as the Deputy to the Commander for Letterkenny Munitions Center.

Originally from Chambersburg, Pennsylvania, Mr. Averill has served our Nation with honor and distinction. In 1979, after leaving active-duty status, he continued to serve our country and community by enlisting in the Pennsylvania National Guard.

Mr. Averill began his work at Letterkenny Army Depot in 1981 as a Munitions Destroyer, through his leadership and subject matter expertise he rose to the position of Deputy to the Commander in 2013.

Today, I am proud to recognize Mr. Averill for his continued service to our Nation and the people of Pennsylvania's 13th Congressional District.

I thank him, and may God continue to bless the United States of America.

RECOGNIZING THE FOURTH WALL FILMS FOR RECEIVING A MID-AMERICA EMMY AWARD

HON. CHERI BUSTOS

OF ILLINOIS
IN THE HOUSE OF REPRESENTATIVES

Thursday, December 9, 2021

Mrs. BUSTOS. Madam Speaker, I rise today to recognize the Fourth Wall Films for receiving a Mid-America Emmy Award for their short documentary, "Over & Under: Wildlife crossings."

The Emmy awarded film aired earlier this year on WQPBS which allowed viewing for many Illinoisans from the northwestern region, serving the Quad Cities. The Fourth Wall Films is a film and video production company from Moline, Illinois. The Fourth Wall Films serves the Northwestern region of Illinois and specializes in Midwestern Historical documentaries for public television broadcast and other streaming services.

Other awards and accolades earned by Fourth Wall Films are eight mid-America Emmy nominations, video and television Telly Awards, film festival Best Documentary Awards, and abundant amounts of recognition for their excellence and outstanding skill in the film and television industry.

It is because of the wonderful talent of the Fourth Wall Films that I am especially proud to serve Illinois' 17th Congressional District. Madam Speaker, I would like to again formally congratulate the Fourth Wall Films for receiving a Mid-America Emmy Award for their short documentary, "Over & Under: Wildlife crossings."

HONORING SHASTA SHAFPER'S COMMITMENT AND SERVICE TO THE CONSTITUENTS OF FLORIDA'S 9TH CONGRESSIONAL DISTRICT

HON. DARREN SOTO

OF FLORIDA
IN THE HOUSE OF REPRESENTATIVES

Thursday, December 9, 2021

Mr. SOTO. Madam Speaker, today, we honor Ms. Shasta Shaffer, the director of constituent services for Florida's 9th Congressional District. Throughout her years of public service, Shasta has gone above and beyond to help Central Floridians in need. As a paralegal for the law office of Darren M. Soto during his tenure in the Florida Legislature, she worked tirelessly to help clients navigate their legal matters. Once Congressman Soto was elected to the House of Representatives, Shasta embarked on the journey to Congress. It was quickly discovered that public service came naturally to Shasta, and she was promoted to lead the constituent services department during the 115th Congress.

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Ms. DAVIDS OF KANSAS. This colloquy was shared with U.S. DOT, again, on August 17, 2022, when Mr. Larsen and I noticed that there was no money directed in the fiscal year 2023 FAA spend plan for replacement of these systems. We asked for a timeline and budget detailing specific allocation of IIJA resources to landing and navigational aids equipment for fiscal years 2022 through 2026, which you can see here.

[Slide]

Slide: Letter of August 17, 2022, to DOT Secretary Pete Buttigieg from Hon. Davids and Hon. Larsen, Submitted for the Record by Hon. Sharice Davids

Congress of the United States
Washington, DC 20515

August 17, 2022

The Honorable Pete Buttigieg
Secretary
U.S. Department of Transportation
1200 New Jersey Ave., SE
Washington, D.C. 20590

Dear Secretary Buttigieg,

We have received and reviewed your initial FY22 and your requested FY23 Federal Aviation Administration (FAA) Facilities and Equipment spend plan as required by the Infrastructure Investment and Jobs Act (IIJA), and those plans have raised concern.

As you know, the IIJA provided for investments in safety-critical landing and navigational aids. Despite intent provided by the U.S. House Transportation and Infrastructure Committee and Congress in allocating funding to these aging ground-based navigation systems, we note that there is no funding allocated under "Activity 2 - Air Traffic Control Facilities and Equipment" in the FAA's spend plan for this important initiative. In addition to the language contained in the bill, we have provided clarifying statements meant to assist the Department in interpreting the intent of the Committee and Congress. Our colloquy on the House floor from December is attached for your reference.

The FAA has identified these aging ground-based navigation systems as critical to providing efficient and safe aviation operation in the National Airspace (NAS). Replacing and upgrading these systems will also assist FAA in continuing to implement NextGen systems and technologies that provide for a more efficient and environmentally friendly aviation sector. We have heard from everyone from manufacturers to installers to operators that upgraded equipment is ready for installation and necessary immediately.

Given the clear direction of Congress to address this need, we ask that you please provide a timeline and budget table detailing the specific allocation of IIJA resources to landing and navigational aids equipment for FY22 – FY26. Please submit these documents to our respective offices no later than 25 business days after receipt of this letter. To maximize the economic benefit of IIJA funds in the midst of ongoing global supply chain constraints, we urge the FAA to level-load funding for equipment modernization across multiple years of eligibility.

We look forward to working with you to ensure that the funding provided in the IIJA will be allocated as intended by Congress. Thank you for your dedication to ensuring the safety and efficiency of the National Airspace.

Sincerely,



Rep. Rick Larsen
Member of Congress



Rep. Sharice Davids
Member of Congress

Enclosure:

Congressional Records, Extensions of Remarks, December 9, 2021, E1345

Ms. DAVIDS OF KANSAS. The response we received, which is up now, contained none of the information that we asked for.
[Slide]

Slide: Letter of December 9, 2022, to Hon. Sharice Davids from DOT Office of the Secretary, Submitted for the Record by Hon. Sharice Davids



**U.S. Department
of Transportation**
Office of the Secretary
of Transportation

Assistant Secretary
for Government Affairs

1070 New Jersey Avenue, SE
Washington, DC 20590

December 9, 2022

The Honorable Sharice Davids
U.S. House of Representatives
Washington, DC 20515

Dear Representative Davids:

Thank you for your letter regarding Infrastructure Investment and Jobs Act (IIJA) investments in landing and navigational aids equipment for Fiscal Years (FY) 2022-2026.

The FAA shares your concerns about the many ground-based air traffic management systems that are now operating well beyond their planned service life and recognizes that these aging electronic systems cannot be sustained indefinitely. Ground-based navigational aids continue to provide a critical function to ensure consistent and reliable landing operations and resiliency in the navigation domain, even as the agency transitions the national airspace system to more efficient Performance Based Navigation routes and procedures that rely on satellite technology.

For this reason, the FAA has continued to allocate significant resources in its Facilities & Equipment (F&E) budget for its Landing and Lighting Portfolio. This portfolio contains critical ground infrastructure that collectively enables all aircraft to navigate the established aircraft routes in the sky as well as the ability to safely descend and land on the airport runway. The work under this portfolio includes assessment of the systems to determine the need for system relocations, operational modifications, sustainment work to maintain and/or improve system performance, and to procure and install systems as needed. Equipment and systems covered by this portfolio include instrument landing systems; distance measuring equipment; tactical air navigation equipment; runway lighting systems; and high frequency omni-range equipment. In FY 2021, the FAA significantly increased the requested amount for this portfolio by almost 50 percent, to \$68.9 million from the \$46 million that had been appropriated in FY 2020. The FAA appreciates the continued Congressional support of this important program, which received additional appropriations of \$67.9 million in FY 2022 and the same amount recommended in the FY 2023 Transportation and Housing and Urban Development appropriations act recently passed by the House.

The Honorable Sharice Davids
Page 2

Funding from the IJA provides critical infrastructure funding that supplements the capital spending in the F&E budget. With the IJA funding received in FY 2022, FAA has been able to begin addressing critical, high-priority infrastructure needs in the areas of air traffic control facility sustainment and facility construction while maintaining robust funding in the F&E budget for our critical investments in navigational aids. This includes approximately \$96 million in infrastructure improvements at sites that house landing and navigation equipment. This IJA funding advances landing and navigation projects that are funded out of the base budget by replacing or upgrading the shelters, buildings, roofs, and lighting platforms housing this equipment.

FAA recognizes that addressing the state of FAA facilities and equipment will require a sustained effort over many years and appreciates the funding provided by Congress through the IJA and the annual F&E budget to address these needs. As required in the statute, FAA will continue to provide IJA spend plans along with our annual budget requests. To that end, the agency is diligently working to develop its FY 2024 IJA allocation and looks forward to submitting that plan with the President's Budget submission next February.

If I can be of further assistance, please contact me at [REDACTED]. A similar response has been sent to Representative Sharice Davids.

Sincerely,



Mohsin Syed
Assistant Secretary for Governmental Affairs

Ms. DAVIDS OF KANSAS. In followup conversations with FAA, we have yet to receive a satisfactory response as to why the acquisition and modernization of these systems has lagged. In fact, several taxpayer-funded instrument landing systems—there are 14 of them—are sitting in a cave in Independence, Missouri, simply waiting to be installed. At the FAA's current pace of modernization, which is about four to five systems per year, it would take more than 100 years to replace these systems. This means that FAA expects many of these safety critical systems to be in operation, despite being over 100 years old.

I can't imagine that's actually the expectation. And just so we are clear what system failure looks like, the most likely impact on these airports is on capacity, on throughput, and delays. When an ILS is out, runways can't be used for all-weather operations. But there is also this inherent safety risk, should a system fail in the middle of landing operations.

So, Mr. Whitaker, what is the FAA's schedule for deploying these devices systemwide?

And as you might be aware, the professional aviation safety specialists have proposed a pilot program for deploying these systems within 18 months. And I am curious if, to your knowledge, is the FAA considering that proposal?

Mr. WHITAKER. Thank you for the question. You have hit on a very interesting issue at the FAA, which is how we fund facilities,

equipment, and particularly—we are in a situation now where we have a lot of redundant systems in the NAS and facilities. We have facilities that need to be replaced, as well.

With respect to this particular issue, my understanding is that that infrastructure funding is available for deployment of those ILS systems, specifically the ones that you mentioned that are in storage. So, my understanding is that that will be deployed, those funds will be used to begin deploying those systems.

Ms. DAVIDS OF KANSAS. Do you have a timeline?

Mr. WHITAKER. I can certainly respond to your office with some specifics on the timelines.

Ms. DAVIDS OF KANSAS. OK. And I would very much like a specific response, given the length of time that this has been going on. The bipartisan infrastructure bill gave us a 5-year timeline, and we are over 2 years in.

I yield back.

Mr. WHITAKER. Thank you.

Mr. GRAVES OF LOUISIANA. Thank you, Ms. Davids. I recognize the gentleman from Minnesota, Mr. Stauber.

Mr. STAUBER. Thank you very much, Mr. Chair.

Administrator Whitaker, thanks for being with us and congratulations.

Mr. WHITAKER. Thank you.

Mr. STAUBER. Mr. Whitaker, how many positions are there at the FAA?

Mr. WHITAKER. How many positions? Well, we have 45,000 employees.

Mr. STAUBER. 45,000. And what percentage of those positions are filled?

Mr. WHITAKER. I don't have an exact position number for you.

Mr. STAUBER. Is the COVID emergency over?

Mr. WHITAKER. I believe so, yes.

Mr. STAUBER. Yes, May 11th, President Biden declared the emergency over.

I understand you use a hybrid telework model. Is that correct?

Mr. WHITAKER. It depends on the function. So, obviously, our controllers are all on the job, but other employees are still in a hybrid situation.

Mr. STAUBER. How many days a week do the employees have to show up in a 2-week work period?

Mr. WHITAKER. The policy—again, it depends on the employee and the job description, but the baseline is 4 days.

Mr. WHITAKER. Yes. So, 4 days your employees have to, in a 2-week period, show up, 4 days. What if the air traffic controllers only showed up 4 days in their work week? Would it affect commercial, general aviation?

Mr. WHITAKER. Well, as I mentioned, they show up every day for their jobs.

Mr. STAUBER. I understand that. What I am trying to get at is what if our controllers just showed up 4 days out of a 2-week work period—

Mr. WHITAKER [interposing]. Yes.

Mr. STAUBER [continuing]. Four days, would that interrupt our work?

Mr. WHITAKER. Well, they can't control traffic from home—

Mr. STAUBER [interrupting]. I understand that.

Mr. WHITAKER [continuing]. So, it certainly would.

Mr. STAUBER. You know what I am getting at. If they only showed up—would it be a problem for our airports and general aviation, commercial aviation across our country? Yes or no.

Mr. WHITAKER. Of course.

Mr. STAUBER. How do you track employee accessibility and productivity in this hybrid model?

Mr. WHITAKER. It's up to individual managers to manage their workforce to meet the needs of their mission.

Mr. STAUBER. I can just tell you, from what I am hearing from stakeholders, is that accessibility to FAA staff is limited, and it seems evident that productivity is waning as several high-profile rulemakings are still ongoing. And you know this, the rule for regular Beyond Visual Line of Sight operation of unmanned aircraft systems, that final report, was concluded in March of 2022, and now it is not expected until August of 2024.

I know workplace flexibility is an important recruiting tool in our new world. However, as an agency with a safety mission first, do you find that a 2-day in-person work week is rather low?

Mr. WHITAKER. Again, it depends on the job position. So, many of our employees—not only controllers, but inspectors—need to be in place. But others, it may work for working remotely, so, I think it depends on the position.

Mr. STAUBER. Administrator Whitaker, I believe that the FAA should hold itself to a higher standard, and the FAA's telework schedule requires—again, they are only in person 2 days—or correction, 4 days—

Mr. WHITAKER [interposing]. Per pay period.

Mr. STAUBER [continuing]. Out of a 2-week work period, and I would just like to point out again our controllers are working a lot of hours, a lot of pressure on them to keep our flying public safe.

And speaking of controllers, the National Airspace System Safety Review Team concluded that, under the FAA's most recent controller workforce plan submitted to Congress, when retirements and other attrition is accounted for, the hiring plan produces a negligible improvement over today's understaffed levels, resulting in a net increase of fewer than 200 aircraft controllers by 2032.

This is extremely concerning for safety and the efficiency of the aviation system. Can you reassure the committee that the FAA will prioritize this issue, conduct maximum hiring of new controllers, and continue to request adequate resources from Congress to address the problem?

Mr. WHITAKER. I can. Yes, sir.

Mr. STAUBER. And I understand that the FAA has committed to maximum controller hiring for only fiscal years 2024, 2025, and 2026. Will the FAA commit to a longer term maximum hiring posture, since it will take a lot longer than just 3 years for max hiring to return to healthy controller staffing levels?

Mr. WHITAKER. We certainly commit to max hiring until we get healthy.

What we have done is we have—there are competing staffing models at play, so, we have commissioned the Transportation Re-

search Board to review those models. So, within 3 years, we will have a new model in place, and I will set those goals.

Mr. STAUBER. Thank you. The last question: Will you prioritize and support general aviation like you do commercial, and will you support rural airport investment and infrastructure?

Mr. WHITAKER. Absolutely.

Mr. STAUBER. Thank you. And again, congratulations.

Mr. WHITAKER. Thanks.

Mr. GRAVES OF LOUISIANA. Thank you, Mr. Stauber. I recognize the gentleman from Illinois, Mr. García.

Mr. GARCÍA OF ILLINOIS. Thank you, Chairman, and welcome, Administrator Whitaker.

As you know, Boeing recently withdrew its request for the MAX 7 to receive a safety exemption, which would have allowed the aircraft to be certified with a known defect if granted. As you know, Boeing's fleet of MAX aircraft have an anti-ice system issue that could cause the nacelle, the pods surrounding the engine, to break and fall off in certain conditions. This could have potentially catastrophic consequences.

Boeing is now working on a long-term fix that will require retrofitting the entire MAX fleet. How did the FAA, in your understanding, fail to detect such a defect during the certification of the MAX 8 and MAX 9 aircraft?

Mr. WHITAKER. So, my understanding on that particular issue is that that potential defect was discovered in—during—using computer modeling some years after the original certification of the aircraft, modeling that was required by the ACSAA legislation, actually. But that is my understanding of how that was discovered.

Mr. GARCÍA OF ILLINOIS. While I appreciate the FAA's attention to this topic, Boeing has demonstrated time and time again that it will cut corners on safety in order to maximize profits.

My second question, Administrator, is this: In response to the recent Alaska Airlines accident, the FAA has launched an investigation into Boeing's compliance with manufacturing requirements. Has the FAA comprehensively engaged with employee groups, those involved in the production, and those who have filed whistleblower reports regarding reduction of quality assurance procedures in the manufacturing system?

And if so, how is the FAA handling these reports?

Mr. WHITAKER. So, on the engagement aspect, we now have 20 inspectors on the ground in Boeing, engaging with the employees in every phase of the manufacturing process. And so, this is to allow us to have direct conversations with employees about what pressures they might be feeling, or what instructions they are getting, and what incentives they are dealing with.

On the whistleblower, we dedicated a portal for Boeing employees, but we also have a normal portal for whistleblowers. And we have a pretty regimented process on how we deal with those reports to make sure the identity is protected and the reports are taken seriously.

Mr. GARCÍA OF ILLINOIS. Should I take that to mean that there is currently engagement with those employees?

Mr. WHITAKER. Yes, sir.

Mr. GARCÍA OF ILLINOIS. Thank you. Of course, I look forward to working with the FAA to hold our aviation community to a higher standard of safety.

It is equally crucial for the operation of our aviation industry that their airport workers are paid livable wages. Airport workers are largely Latino, Black, and immigrant workforce. They have been overlooked and underpaid for the vital role that they play in keeping our airports running. My bill, the Good Jobs for Good Airports Act, would change that.

Administrator, are you committed to doing what you can to ensure that the airports that the FAA oversees are delivering fair wages and benefits to all employees?

Mr. WHITAKER. I am very committed to making sure that they have a very safe working environment. Safety is my mandate, and we are focused on safety at airports, particularly on the ramp. So, we have taken some initiatives around that to make sure that those employees are in a safe environment.

Mr. GARCÍA OF ILLINOIS. Thank you, and I yield back, Mr. Chairman.

Mr. WHITAKER. Thank you, sir.

Mr. GRAVES OF LOUISIANA. Thank you, Mr. García. I recognize the gentleman from New Jersey, Mr. Van Drew.

Dr. VAN DREW. Thank you, Chairman.

Welcome, Mr. Whitaker.

Mr. WHITAKER. Thank you, sir.

Dr. VAN DREW. You know, you've got a tiger by the tail. I was going to speak on something else, and I am, in a moment, but using airports for housing undocumented, that's a big deal. It's a big deal to the communities these airports are in. It's a big deal fiscally. It's a big deal for safety. And I know you are new, so, I want to be fair, but we need you to drill down and tell us more what's going on. Please check thoroughly on this issue. I think it's a totally inappropriate use. Safety is our number-one issue. It was never meant for housing, any of these airports.

There was a plan—and this is fact—it was leaked out by a whistleblower, 10 different airports that they were going to house illegals in. Of course, we got a hold of it. And Atlantic City International Airport in my district, they were talking about housing up to 60,000 illegals in a community of 35,000 to 40,000 people. That's wrong.

So, I need some commitments from you to thoroughly drill down on this issue to know how many airports are involved, a complete list of airports that are involved, a policy coming from the FAA. We need a policy from the FAA dealing with these requests, and ensuring that the FAA is part of the process in determining if, where, and when this is going to be done, and we need a complete list of requests and from whom it came.

I brought this up to Secretary Buttigieg when he was here. He wasn't aware of it. Of course, we have the information. I need you to do that. I would appreciate if you would get that information back to me and the entire committee. Could you commit to getting us that information?

Mr. WHITAKER. I can commit to making sure that we are complying with the law around any approvals.

Dr. VAN DREW. Mr. Whitaker, I appreciate that, but we really need—

Mr. WHITAKER [interrupting]. We don't own the airports, so, we don't—

Dr. VAN DREW [interrupting]. I know, but it deals—but you are a very important part of what happens at the airport. You should be included. You should be part of it.

The people, quite frankly, of our districts, of our country, should be part of it, as well. So, I ask you to please think about that, and I would ask you to please commit to doing that. It's not a big request. It's a real obvious thing. And I will look forward to that report.

Last month, the fuselage of a domestic Boeing 737 MAX exploded open at 16,000 feet. I know you are real aware of it. There were 180 people on board. We are unbelievably blessed that nobody died, that there weren't injuries, that it wasn't much worse than the result that we had. This accident, in my opinion—in my opinion—is the result of the decades-long process of globalization.

In the early 2000s, Boeing aggressively outsourced its business model. The strategy peaked in 2005, with the sale of the Wichita-based Spirit AeroSystems. I know you are aware of that. Spirit Aero is now a “global” corporation, and it has been identified by the FAA as responsible—you all identified it as responsible for the faulty components behind the Alaskan Airlines incident.

This is one example of how Boeing's outsourcing has led to Boeing's decline. And Boeing has hidden its decline, in my opinion and many, by appealing to diversity, equity, and inclusion for its investors, because it's a cool thing to be. And the investors that are interested in that were more likely to invest. And their stock, no doubt, has gone up 400 percent since—their product has gone down, but their stock has gone up, which is real interesting.

You should be worried about safety when you are selling private equity firms, but they were not. This is a one-two punch of globalization and social engineering. It doesn't belong. Job number one is safety. Job number one is safety for every man, woman, and child that go in those airports. And it's a company that is struggling to reliably produce safe aircraft.

Mr. Whitaker, are you concerned by the trajectory of Boeing as an American institution, an American institution? Are you concerned?

Mr. WHITAKER. My concern is that Boeing makes safe aircraft. So, I am less concerned about externalities. I am more concerned about the quality of the aircraft coming off the line, and that is my focus.

Dr. VAN DREW. Well, I would maintain it is part and parcel. They have a job to worry about safety, efficiency. And when you are worried about all these other issues and not the green economy and everything else, you should—that should be your job, number one. And I hope you have a plan to put them back on track.

I sent you a letter in December about the FAA Technical Center, and I would like to submit this, Chairman, for the record.

Mr. GRAVES OF LOUISIANA. Without objection.

[The information follows:]

Letter of December 11, 2023, to Hon. Michael Whitaker, Administrator, Federal Aviation Administration, from Hon. Jefferson Van Drew, Submitted for the Record by Hon. Jefferson Van Drew

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
WASHINGTON, DC 20515,
DECEMBER 11, 2023.

The Honorable MICHAEL WHITAKER,
Administrator,
Federal Aviation Administration, 800 Independent Ave., SW, Washington, DC 20591.

RE: FAA Fiscal Year 2025 Budget Request

DEAR ADMINISTRATOR WHITAKER,

We are in a pivotal time for aviation. With strong leadership now in place at the FAA, and a robust FAA Reauthorization coming down the legislative pipeline, we must make shrewd investments that will position the Nation's aviation system for long-term success. My district is home to the FAA William J. Hughes Technical Center. This facility is essential to the day-to-day and long-term operation of our National Airspace System, and in need of investment.

I have developed a package of budgetary items to equip the Technical Center with the infrastructure and programs it needs to face the challenges of 21st century aviation. As such, I respectfully request that you provide for the following priorities in the Federal Aviation Administration's Fiscal Year 2025 Budget Request to Congress:

1. *\$29.9 million for the William J. Hughes Technical Center Laboratories, \$13 million above the FY24 Budget Request of \$16.9 million.*

This funding is needed to bring the Technical Center's Laboratory infrastructure into compliance for priority 1 operational NAS systems located at the Technical Center. Priority 1 system types include critical systems such as the Federal NOTAM System, the FAA Enterprise Network Service, and the National Defense Program.

The operational systems located at the Technical Center provide a pivotal role in the NAS and need to remain operational continually (24/7/365). Planes, pilots, and passengers are dependent on these systems and without the proper infrastructure these systems could be taken offline by natural or unnatural disasters/events.

2. *\$23.2 million William J. Hughes Technical Center Building and Plant Sustainment, \$13.2 million above the FY24 Budget Request of \$10 million.*

The Main Electrical Utility Substation Sustainment Project replaces outdated high-voltage electrical distribution switching equipment and associated structures. These components, which are over 35 years old, have exceeded the industry standard lifecycle of 25 years. The substation plays a crucial role in providing power to various Federal Aviation Administration (FAA) owned and operated buildings, as well as multiple Federal and State agencies resident at the Center. Of particular importance is its critical impact on active airspace, including the Atlantic City International Airport Control Tower, airfield lighting/flight instruments for the SJTA ACY airport, and operational FAA NAS systems.

3. *\$10 million for the Emerging Technology Accelerator, as included in the Fiscal Year 2023 request.*

This program establishes an effective pathway for the development, demonstration, and transfer of technology applications and will lead to tangible operational improvements to our aviation infrastructure.

Congress is preparing an FAA Reauthorization that emphasizes advanced technology. Included in the House-passed bill is language that will strengthen the role of the FAA William J. Hughes Technical Center in facilitating technology transfers to the federal government. The Emerging Technologies Accelerator is the necessary programmatic infrastructure that will allow the Technical Center to meet this new mission.

Inclusion in the budget request is effectively a pre-requisite for funding a program of this type. The program was included in the FY22 and FY23 budget requests. Now is the appropriate time to fund this program and ad-

vance it in alignment with the agency's broader aviation technology initiatives.

Should you include these items in your budget request, I shall strongly champion their full appropriation. I urge you to provide for all the above items in your Fiscal Year 2025 Budget Request to Congress so that we may ensure a strong future for American aviation.

Sincerely,

JEFF VAN DREW,
Member of Congress.

Dr. VAN DREW. The needs include the National Airspace System, electrical utilities, and technology transfer programs.

My time has run out. I wish I had a half hour with you. I appreciate you being there. I would hope that you would take my request seriously, because the American public takes it seriously. And I thank you, and wish you good luck.

Mr. GRAVES OF LOUISIANA. The gentleman's time has expired. I recognize the gentlelady from Alaska, Mrs. Peltola, for 5 minutes.

Mrs. PELTOLA. Thank you, Mr. Chairman.

Good morning, Administrator Whitaker.

Mr. WHITAKER. Good morning.

Mrs. PELTOLA. General aviation accident rates in Alaska continue to outpace the rest of the country. Can you provide an update on FAA's implementation of the recommendations of the 2023 FAA Alaska Aviation Safety Initiative Tiger Team, including the eight Automated Weather Observing Systems installation scheduled to have been completed in September of 2023?

Mr. WHITAKER. Thank you ma'am. So, I am fully supportive of the unique nature of Alaska and the role of general aviation, in that I had a chance to visit when I was deputy and got to tour quite a bit of some of the remote facilities. And I think the FAASI program has really been a very strong program, and we support that, and we will continue to support that.

On the AWOS, I know that I got briefed on this ahead of the hearing, and I understand that seven of the eight have been deployed. The eighth is inaccessible, due to some flooding or some other climate conditions. So, we will make sure that that continues, as well.

Mrs. PELTOLA. OK, excellent. And as you say, Alaska is unique. I think 82 percent of our communities are not accessible by any other way except airplane.

The House passed the FAA reauthorization bill, and it included section 510, the Don Young Aviation Safety Initiative, which calls on aviation stakeholders to work together to reduce the rate of fatal accidents by 90 percent by 2033 in Alaska, Hawaii, Puerto Rico, and other American Territories. And this provision includes a number of initiatives designed to further the objective, and I am wondering what you see as steps that are necessary to achieve this kind of reduction.

Mr. WHITAKER. Well, I think it's laudable that we have such an aggressive goal, and that is how we brought the commercial aviation accident rate down to its current level and getting the stakeholder groups working together.

I think with GA, there are a lot of technologies that can be deployed to create better situational awareness in the cockpit, and

more tools particularly around weather and unpredictable weather, but also redundancies around landing systems and the like. So, I think this is an area where technology and quick deployment of technology can really be a benefit. So, I think it's really positive that all these stakeholders are working together toward that.

Mrs. PELTOLA. Thank you so much.

Mr. WHITAKER. Thank you.

Mrs. PELTOLA. I yield back my time, Mr. Chairman.

Mr. BURCHETT [presiding]. Regrettably, I yield to Mr. Mann.

Mr. MANN. Thank you, and thank you for being here today, Administrator Whitaker.

I represent the Big First district of Kansas. There is a strong relationship between the Kansas economy and aviation. There are 91,000 jobs attributed to the aviation industry in my State, including 42,000 from the aerospace manufacturing segment. Aviation ranks second in economic impact in Kansas only to agriculture.

For our aviation industry to thrive, the FAA needs a roadmap of updated congressional priorities to adopt long overdue policy changes and regulatory requirements. Delays in rulemaking and insufficiencies in the workforce are bottlenecking the industry. It is imperative that Congress passes the reauthorization bill, so the FAA, its workforce, and the aviation industry are able to address the backlog of concerns that my colleagues and I have all been raising for months so that America can return to its gold standard status in aviation.

A few questions, Mr. Whitaker. We have heard a lot about the FAA's rulemaking process and the importance of it for innovation, safety, and international leadership. What will you do under your tenure to make this process more timely, transparent, and accountable?

Mr. WHITAKER. Thank you, sir. I think there—transparency in general, I think, needs to be improved, and efficiency needs to be improved delivering services. Registrations, for example, certification process. So, we are working on those issues.

Rulemaking is a little different, because it's driven by the Administrative Procedure Act. So, we are required to have certain time periods for comment and certain process and procedures. I think the best we can do is make sure we get that transparency, and know where we are in the process, and try to keep the process moving. A rulemaking can have a dozen different steps in it. Just make sure that we are continuing to keep sunlight on that, and keep things moving as quickly as we can within the confines of that law.

Mr. MANN. And then can you specifically address unmanned aerial systems?

In other words, how is the FAA adapting its regulatory framework to accommodate the rapid evolution of unmanned aerial systems and advanced air mobility technologies?

I think we have got to acknowledge that this is here to stay. It is a growing part of the aviation industry, tremendous potential for Kansas and the rest of the country. And how do we make sure the FAA is appropriately and quickly reviewing these new technologies with safety front and center, but also not having unnecessary delays, as well?

Mr. WHITAKER. Yes, it is one of our big challenges, and right now, I think it has mostly been dealt with in a one-off manner. So, I think recently we have gotten much better on the small UAS and through this exemption process, so, we have been able to satisfy a lot of the BVLOS operations and such. Advanced air mobility currently would have to operate under existing rules, which is doable, but not scalable, if you will.

So, I think what we need to do is work as an industry with all stakeholders to develop that roadmap that integrates all these technologies and tries to keep up with their pace of development. So, I think we don't want to be in the way, but we need to make sure that they are being deployed safely, and that is our top priority.

Mr. MANN. Yes, I agree. As an aside, I hear from multiple manufacturers in Kansas of all sizes that just talk about how long it takes for the FAA to respond to new ideas on how do we do things better, how do we innovate, how do we make sure that the U.S. continues—that we are the world leader in the aviation space. A big part of that, of course, is manufacturing. A big part of that is having an FAA that is adaptable, understands technology, understands where the industry is heading, and how do we partner together to promote safety.

So, last question. In your testimony, you outlined several initiatives on increasing the air traffic controller workforce. What strategies are you implementing to bolster other fields in the aviation force such as aircraft mechanics, pilots, other segments of the industry?

Mr. WHITAKER. That's a great question, and I am remiss for not mentioning that we are actually hiring in all these sectors. The controllers are sort of the most immediate safety need for us, but we are hiring in all sectors, and we are competing with all those other industries you just mentioned in a market that is a pretty good market if you are an employee.

So, I have often said I am the chief recruiting officer for the agency, so, we are doing direct outreach to schools. We are trying to cast as broad a net as we can to interest people into coming into the FAA. And maybe they come in for 30 years or maybe just 3 years, so, we want to make it easier for folks to come through and have an experience there, and then maybe go do something else afterwards.

So, it is a priority, and it is not an easy one to get after.

Mr. MANN. Great. Thank you, Mr. Chairman. With that, I yield back.

Mr. WHITAKER. Thank you.

Mr. GRAVES OF LOUISIANA [presiding]. Thank you, Mr. Mann. The gentlelady from Nevada, Ms. Titus, is recognized.

Ms. TITUS. Thank you, Mr. Chairman.

It is nice to see you, Mr. Whitaker.

Mr. WHITAKER. Thank you.

Ms. TITUS. Congratulations on having this position.

Mr. WHITAKER. Thank you.

Ms. TITUS. It is going to be a tough job in a tough place, but I know you are up to it, and we appreciate it very much.

Mr. WHITAKER. Thank you.

Ms. TITUS. Aviation is so important to my district, Las Vegas. We have got a very crowded airspace with the military, with the drones, with the commercial flights, with the general aviation. So, this is really critical.

And I want to thank you all for your recent investments from the Bipartisan Infrastructure Law. You brought \$49 million for the infrastructure grant funding for all the airports in my district, and that is really helpful and really appreciated for improving runway safety and taxi upgrades.

And I would like to go back to the issue of the air traffic controllers. We know that air travel is increasing, and yet the number of air traffic controllers is not. I think you hired 30 last year, including trainees. And they are often forced to work overtime, 6 days a week, and that leads to stress and burnout. And would you just say again for the record how you are trying to address that issue?

Mr. WHITAKER. You have identified all the problems that I have also identified coming in. And it is, I think, one of our most pressing needs.

And I would add to that it takes years to make an air traffic controller.

Ms. TITUS. Yes.

Mr. WHITAKER. It's a long journey. It's not an easy job. It's a very rewarding job, but we need to hire as many as we possibly can.

So, we are ensuring that our own process is delivering as many as it can through the Academy in Oklahoma City, but we also want to work with universities in the private sector to make sure we are able to pull as many from that source, as well. So, we have become more flexible with military hires. It used to be twice a year. So, if you didn't happen to leave the military at just the right time, you had to wait 6 months. We now have a constant hiring of military controllers, which will increase the number of folks who can go directly into the towers or centers. And we are working—I think one of our most promising outlets will be these aeronautical colleges and universities, where the students can get the exact same curriculum as the Academy, pass the exam, and then go directly into a tower or radar facility.

So, going forward, that will allow us to really increase the pipeline, but in the short term, because it takes so long, it's going to be hard to move that needle very much, at least until you get about 2 years out.

Ms. TITUS. I think there is a place in some of the community colleges for developing programs like this that would—

Mr. WHITAKER [interrupting]. I think that would—that can certainly—that could certainly be eligible, if they are able to teach that curriculum and have the training tools. It often requires being around a lot of retired controllers. They have a relatively early retirement age, and a lot of them become instructors afterwards, but I think I would like to really see that program expand as we go forward.

Ms. TITUS. Thank you. Yes, me too. If we can be helpful, let us know.

Also, we are seeing more and more in different modes of transportation that companies are acting in ways that seem to prioritize profits over safety. And you mentioned in your testimony that the

agency found inspections of the grounded 737-9 MAX aircraft showed Boeing's quality system issues were, and I quote, "unacceptable and required further scrutiny."

Do you have confidence then—your suppliers, that they can kind of maintain this quality control? It's not a fox guarding the hen-house kind of situation?

Mr. WHITAKER. Well, I think we are looking—we are going to look at this process really top to bottom to see where the incentives are, where the failures are in the system, and we are going to demand that that quality come up to the appropriate schedule.

We certify aircraft to be built to very specific specifications, and they have to be built to those specifications. So, regardless of their other motives, they are not going to be able to build more airplanes until they meet those standards.

Ms. TITUS. OK. You don't see a problem with conflict of interest with self-inspections?

Mr. WHITAKER. We are looking at that specifically. We have asked MITRE, our research firm, to give us options on delegation, and where we might bring in a third party—for example, in quality control or quality assurance—to make sure you have a neutral set of eyes on some of those issues. So, that is something we are looking at.

Ms. TITUS. Again, and just in a second, I would throw out there about the framework for Beyond Visual Line of Sight. Now it's based on a waiver system. We want to put those rules in place. Are you moving forward with that?

Mr. WHITAKER. We are going to move as quickly as we can on that one, yes.

Ms. TITUS. OK, a lot of people want you to move a little more quickly.

Mr. WHITAKER. I have been getting that message. Thank you.

Ms. TITUS. OK. Thank you very much.

I yield back.

Mr. GRAVES OF LOUISIANA. Thank you, Ms. Titus. The gentleman from Utah, Mr. Owens, is recognized.

Mr. OWENS. Thank you, Mr. Chair. On behalf of the westerners, Utah is a remarkable place of convergence and connections, the fastest growing State in the Union right now. We have the Olympics, possibly, inland ports, so, it is going to be very important that we have that conduit of coming from places—a hub like Utah.

That being said, the FAA has identified multiple time blocks where the DCA airport is currently underutilized. Do you believe more flights could be added safely and efficiently to that process?

Mr. WHITAKER. So, our focus, with respect to DCA, is whether it's safe. So, we are not involved in the decision around where the flights can go from DCA. So, our focus is entirely on the safety aspect.

It is an airport that is very close to capacity. There are some hours when there is some room for new capacity, but it is, as you know, a pretty full operations. It tends to operate at around 60 operations a minute—I mean, an hour, sorry, so, it's basically one a minute. So, you can't really squeeze much more than that in there. So, that tends to be where our focus is.

Mr. OWENS. Well, according to some of the reports we got from the FAA, there are blocks in which it can be effectively done safely, according to the FAA.

Mr. WHITAKER. Well, we will always make sure it is operating safely.

Mr. OWENS. OK.

Mr. WHITAKER. If something suffers, it will be efficiency.

Mr. OWENS. OK. Outside the perimeter are tens of millions of Americans who deserve better pricing, better value, and more convenient access to DC Representatives. I encourage you to support the efforts to provide a consumer free market to our Nation's Capital. I would really appreciate that.

And my hometown airport, Salt Lake City, is currently in phase 2 of a three-part, \$5 billion development. Can you explain the impact of the delayed FAA reauthorization to Salt Lake City International and airports like that that are going through modernization?

Mr. WHITAKER. Yes, I think you are hitting on a very important point. These projects have a certain momentum, and they need to be funded, and they need to operate under current authorization. So, I think it's vital that both of those pieces happen.

Mr. OWENS. OK. I am going to yield my remaining time to my good friend from Texas, Mr. Nehls.

Mr. NEHLS. Thank you.

And I apologize, Mr. Administrator. These wonderful gentlemen give me their time when they don't have anything else to say, and I have got so much to talk about with you.

So, just for the record here, I asked you, did you write this letter, and you stated you didn't, but you had somebody ask you to write this letter. Can I ask you who asked you to write this letter dated February 5?

Mr. WHITAKER. So, I think the discussion probably would have been with our Government affairs team that focuses on providing technical assistance on legislation.

Mr. NEHLS. But you couldn't specifically—somebody came up to you and said, "Hey, Mr. Administrator, I am drafting this letter, I want you to approve this letter so we can send it out to Senators Cantwell and Cruz"?

Mr. WHITAKER. No, it comes through a correspondence—we put out a lot of correspondence. And the last 4 weeks, I have been mostly busy on other topics.

Mr. NEHLS. OK, so, it was written by, in your opinion, some Government affairs team within the FAA.

Mr. WHITAKER. Presumably, but I don't know precisely, but that normally would be how it would be developed.

Mr. NEHLS. All right, fair enough, fair enough.

You did state that—I bring this letter up, and you stated that it is not the official position of the FAA to oppose raising the retirement age to 67, but you have some concerns. And in the letter it talks about "we always prioritize a robust process to identify risk and ensure mitigations to maintain safety, but we do not test in a live environment." "We do not test in a live environment," could you tell us what that means?

The Members up here—what the hell is a live environment? Explain that to me.

Mr. WHITAKER. I believe what that means is we don't change a rule to see how it plays out. We usually like to do the research before we change a rule.

Mr. NEHLS. OK. Would you consider—are you familiar with BasicMed—BasicMed, the study, the BasicMed safety study?

Mr. WHITAKER. I am.

Mr. NEHLS. All right. The FAA authorized it. They let it run. They looked at it after 3 years, like 2017, 2018, 2019, and they reported back to Congress. It's right here. I have it here. An FAA report submitted to Congress, as required, on March 10 reviewed 3 years of general aviation data and concluded that the BasicMed program is safe. Isn't that a live study? I mean, they were flying around. These general aviators are flying around. They are looking at whether it's a third-class medical versus a BasicMed, and they found out that BasicMed works. That is a live study. Would you agree?

Mr. WHITAKER. Yes, that was based on a legislative mandate.

Mr. NEHLS. Yes, but that is—I know it's a legislative mandate, but—

Mr. WHITAKER [interrupting]. We don't refute that—

Mr. NEHLS [continuing]. But that is a live study, though.

Mr. WHITAKER. Right.

Mr. NEHLS. I mean, come on, how could you not agree with that? They are flying around, and they are reporting back 3 years of data, and they are saying, hey, there are no issues with BasicMed. That's a live study.

Mr. WHITAKER. Right.

Mr. NEHLS. OK, I just want to get that because it says, "We do not test in a live environment." That's not true.

I yield back.

Mr. GRAVES OF LOUISIANA. Thank you, Mr. Nehls. I recognize Mr. Carbajal for questions.

Mr. CARBAJAL. Thank you, Mr. Chair.

Welcome, Administrator Whitaker. Prior to the Alaska Airlines 1282 accident, did the FAA find any evidence of persistent quality control lapses in any of Boeing's production lines?

Mr. WHITAKER. So, recognizing that to answer that question—a lot of that is before my tenure, but I think the production problems with the 787 beginning in 2019 through recently are pretty well known. And even just in December, we had an airworthiness directive around a loose bolt on a rudder system. So, I think there were already some recent reports of production issues with Boeing.

Mr. CARBAJAL. Not to hammer on that, but you did mention some bolt issues recently. Has the FAA become aware of any other lapses since the start of the investigation?

Mr. WHITAKER. So, the investigation is ongoing, and we are supporting NTSB in their investigation, of course, of the incident itself. So, there are no findings, really, to discuss at this point.

The audit investigation is going on, and the only thing I can say about that, it hasn't shown any findings that have led us to immediate action. So, we are just going to take the data we get from that and analyze that to decide how to move forward.

Mr. CARBAJAL. Thank you. Mr. Whitaker, one of the FAA's most successful Government-industry partnerships is the Contract Tower Program. Two hundred sixty-two smaller airports participate in this critically important air traffic safety program, including 21 in California, 1 of which is in my district, the San Luis Obispo County Airport. This critical air traffic safety program is important to maintain and develop regional service, and supports DoD flight training operations and military readiness at pilot flight schools all across the country.

It is also important to note that contract towers account for approximately one-third of all tower operations in the Nation, and about 70 percent of contract controllers are veterans.

Mr. Administrator, what assurances can you give me and my colleagues that contract towers will remain a priority for you?

Mr. WHITAKER. Well, I can assure you that we certainly support the program. And given the hiring challenges we are having with air traffic controllers, no incentive to try to tinker with the system as it's working. And in fact, we also do hiring from contract towers, as well. So, it is a source for our own controllers. So, we are fully supportive of the program, and want to make sure it's working, particularly in smaller airports.

Mr. CARBAJAL. Great. Also, staffing shortages continue to be a challenge throughout the industry, which you just now touched on, including contract towers. What measures can the FAA and the industry undertake collaboratively to address staffing challenges at these towers?

Mr. WHITAKER. I think we are doing all that we have been able to think of for our own hiring purposes, but I think it has become a very competitive market. There are a lot of new entrants in different aspects of aerospace. So, I think we just have to really compete for those employees, and give them a good working environment.

Mr. CARBAJAL. Thank you. I appreciate your leadership. I appreciate you recently becoming the Administrator, and I think you have your hands full with a lot of challenges, but I think you are the right person for the job. And I just wanted to recognize you for all that you bring to the table to this very important position, and all the problem-solving that you are going to help us achieve. So, thank you very much.

Mr. WHITAKER. Thank you, sir.

Mr. CARBAJAL. Mr. Chair, I yield back.

Mr. GRAVES OF LOUISIANA. Thank you, Mr. Carbajal. I recognize the gentlelady from Oregon, Mrs. Chavez-DeRemer.

Mrs. CHAVEZ-DEREMER. Thank you, Chairman.

It's nice to meet you, sir.

Mr. WHITAKER. Nice to meet you, thanks.

Mrs. CHAVEZ-DEREMER. I represent Oregon's Fifth Congressional District, and I am grateful to be on this committee to ask these questions. So, I will get right started.

Long delays and cancellations have become too common in airports, in large part due to the shortage of pilots. It would be ridiculous for us to look at the current state of things and say everything is fine, let's just keep the status quo.

Last week, through my work on the Education and the Workforce Committee, the Flight Education Access Act was included in a major student loan reform package. This is a huge step in resolving that shortage.

The commonsense proposal closes the pilot workforce gap by letting prospective pilots access the same loan opportunities available to students at traditional 4-year schools. It increases the total maximum amount of the Federal direct and subsidized Stafford loans an eligible dependent may borrow to \$11,000, increases the maximum amount for independent students to \$137,500, and increases the maximum amount of Federal direct Stafford loans to a total of \$65,000.

Mr. Administrator, if prospective pilots could access these types of student loans and use them when completing the FAA's regulated training, would that help improve the pilot shortage?

Mr. WHITAKER. I think that would be a very useful initiative. It is very expensive to become an airline pilot, which means 1,500 hours. So, you can become a private pilot with as few as 40 hours, so, getting from 40 to 1,500 is a hugely expensive endeavor. So, it is like any other profession—doctor, lawyer, plumber—it costs money to get there, and I think it would be useful.

Mrs. CHAVEZ-DEREMER. So, you would agree it is a positive outcome.

Mr. WHITAKER. Absolutely.

Mrs. CHAVEZ-DEREMER. This would be a positive initiative to move forward.

Mr. WHITAKER. Absolutely.

Mrs. CHAVEZ-DEREMER. So, moving on, what should be the most common part of air travel safety?

Of course, you have heard plenty about the Boeing Alaska accident today, amongst others, but it is not lost on me that it happened in Oregon, my home State. Oregonians, we choose Alaska Airlines as our preferred airline, and I fly on them every single week back and forth. Boeing jets rightfully have cause for concern and many questions.

Can you speak to the level of confidence once again today in the FAA-approved inspection steps for the 737-9 MAX door plug?

Mr. WHITAKER. Yes, I think that that was a very thorough inspection process, and the mechanical fix to that defect, we have a high level of confidence that takes care of the problem.

Mrs. CHAVEZ-DEREMER. And so, you would fly on the 737-9 MAX?

Mr. WHITAKER. Yes, I would.

Mrs. CHAVEZ-DEREMER. Congressman Carbajal kind of talked on my last question on the contract tower program, and I have one of those in my district in Bend. So, I appreciate you answering that you are in full support of continuing that.

So, I will yield my time, then, to my colleague, Mr. Nehls, the remaining time.

Mr. NEHLS. Thank you very much.

Mr. Administrator, obviously, this letter that you did not write, but you had the Government affairs team write, I believe—and listen, you are a busy man. I don't think maybe you proofread this thing very clearly. I mean, there are some issues here as it relates

to the “but we do not test in a live environment.” I believe that BasicMed safety study is a prime example, and I have a few more, I believe.

It’s interesting. ALPA is taking dues from pilots in Canada over the age of 65. ALPA is taking dues from pilots over the age of 65. And we know ALPA doesn’t—they want to squash this. They don’t want this retirement age range. WestJet is flying ALPA-represented pilots over the age of 65 right now. That is your live study, Mr. Administrator. That is your live study.

Let’s talk about the part 135 operators. We allow pilots to fly over the age of 65 under part 135. Is that not a live environment? Could you explain to everybody up here what a part 135 is versus a 121?

Mr. WHITAKER. A part 135 carrier, typically under 30 passengers—

Mr. NEHLS [interrupting]. Sure. NetJets would be an example?

Mr. WHITAKER. That is correct.

Mr. NEHLS. All right. Do part 121 and 135 share the same airspace?

Mr. WHITAKER. They do.

Mr. NEHLS. They do. So, they taxi with part 121, i.e., the big airliners folks, Delta, United, everything, and you can get this NetJet, Taylor Swift flying to the Super Bowl in her supersonic jet. They could be in the same airspace, taxiing on the same runway. Why do part 135 that flies around the millionaires and the billionaires across the country, why can they fly to the age of 67, but United and Delta, that gentleman, we fire him at 65. How does that make any sense?

Mr. WHITAKER. Congress passed a law limiting them to 65.

Mr. NEHLS. Congress passed a law limiting them to 65.

Mr. WHITAKER. Right.

Mr. NEHLS. And how do you feel about that? Do you think that’s just, it’s right?

Mr. WHITAKER. I think it’s what Congress did, so, we don’t second-guess Congress. So, I think our point was, if you are going to change it, we would like to have some data around that.

Mr. NEHLS. I think that’s perfect. When they—I yield back.

Mr. GRAVES OF LOUISIANA. Thank you, Sheriff. For the record, I am not sure that Taylor Swift flies supersonic. I just want to make a note.

The gentleman from Massachusetts, Mr. Auchincloss, is recognized.

Mr. AUCHINCLOSS. Thank you, Chairman, and I want to second what the chairman said about the imperative for the Senate to pass the FAA reauthorization. This committee did good work, bipartisan work, and it needs to happen in the Senate now.

Mr. Whitaker, you were earlier getting questions from my Republican colleagues about migrant housing at the airports. By statute, FAA has jurisdiction over airside, not landside, operations at airports. Correct?

Mr. WHITAKER. That is correct, sir.

Mr. AUCHINCLOSS. And there was one instance of the airside of an airport asking to house migrants. Correct?

Mr. WHITAKER. That is my understanding.

Mr. AUCHINCLOSS. And there has been no documentation of airside safety being impeded at that one airport, JFK. Correct?

Mr. WHITAKER. That is the standard, yes.

Mr. AUCHINCLOSS. And is the FAA an aeronautical safety organization, or is it an immigration agency?

Mr. WHITAKER. Our mission is safety, sir.

Mr. AUCHINCLOSS. The hard-working men and women of Border Patrol, which actually is this Government's immigration agency, have endorsed the Senate's bipartisan deal on border security, which is a tough and fair compromise to address the migrant surge. And if my Republican colleagues are so concerned about solving this problem, I suggest that they stop asking you, sir, for answers, and start asking Speaker Johnson for answers. And question number one might be, are you Donald Trump's campaign manager or are you Speaker of the House?

Sir, back to your job, you authorized the MAX airplane to fly again after the Alaska Airlines accident. Why do you believe the MAX airplane is now safe?

Mr. WHITAKER. So, the MAX 9 was grounded because of concerns about the quality of manufacturing for the plug door. So, the focus of that airworthiness directive was to inspect those aircraft and come up with a repair that would ensure that it met the standard of safety built into the certification of the aircraft. Once that inspection and repair scenario was agreed upon, then the aircraft was allowed to return to service.

Mr. AUCHINCLOSS. Now, in 2020, you took back—not you, but the FAA—took back airworthiness ticketing from Boeing. What did that do for oversight of Boeing then, and was that oversight sufficient, given the problems it has had at factories regarding the MAX 9?

Mr. WHITAKER. So, I wasn't there at the time, as you noted. I guess I would say, in retrospect, and given what happened with the plug door, it is hard to call that oversight sufficient. So, we are looking at that process and what additional steps need to be taken to make sure that that oversight is sufficient.

Mr. AUCHINCLOSS. Last August, the FAA announced almost \$45 million in funding for Boston Logan International Airport to simplify the airfield layout and reduce the risk of runway incursions. Can you speak to how investments like that will improve passenger safety, and any other work the FAA is doing to reduce the risk of near-misses?

Mr. WHITAKER. So, issues that happen in the airport environment and on runways, each airport is unique, it has its own geometry. And certain geometries create natural situations that can cause confusion. So, trying to—and we call them hotspots—trying to identify those hotspots and correct them, either through signage, lighting, or sometimes moving taxiways is highly effective in keeping them safer.

So, the good news about these type of events is there are really straightforward solutions, and we have been deploying those solutions.

Mr. AUCHINCLOSS. All right, I want to join my colleagues in saying how happy we are to have you in this position, how qualified I think you are for this job, and I am looking forward to seeing the

work that you can do for maintaining and improving America's gold standard reputation for airline safety.

Mr. WHITAKER. Thank you, sir.

Mr. AUCHINCLOSS. I yield back, Mr. Chair.

Mr. GRAVES OF LOUISIANA. Thank you, Mr. Auchincloss. I recognize the vice chair of the subcommittee, the gentleman from Indiana, Mr. Yakym.

Mr. YAKYM. Thank you, Mr. Chairman, and thank you, Administrator Whitaker, for being here today.

After a robust, open, transparent, and bipartisan process, the House passed its FAA reauthorization last July in an overwhelming 351 to 69 vote. And it appears we are finally going to see some welcome movement from our colleagues in the Senate later on this week. Hopefully, that means we can soon provide certainty and stability to your agency, to the aviation community, and to the flying public with an FAA reauthorization centered around our gold standard of safety and continued American aviation leadership.

But it is that leadership I would like to speak about today or, in this particular case, the lack thereof. As we held hearings in the lead-up to our FAA reauthorization bill, we heard from witnesses, especially in the drone delivery industry, who said that they were expanding in markets like Australia instead of the United States due to a lack of regulatory certainty.

I have been encouraged to see the FAA in recent months issuing a number of part 107 waivers that enable Beyond Visual Line of Sight operations for drone delivery companies. The waivers represent another step in a long journey that must strike that fine balance between safety and forward momentum. But it is a journey that, in my estimation, has been moving far too slow.

Mr. Whitaker, earlier you told my colleague, Chairman Graves, that the BVLOS notice of proposed rulemaking will be published "this year." Last September, an FAA official had pegged that timeline at August of 2024. Is that timeline slipping, or is August still the goal?

Mr. WHITAKER. I could look, and if you like I will give you a specific answer. I was covering for my lack of memory on an exact date, so—

Mr. YAKYM [interrupting]. Yes, I would like a specific answer, if you don't mind.

[Pause.]

Mr. WHITAKER. I will just circle back with you. I will give you a precise answer. I just don't recall.

Mr. YAKYM. I would like a precise answer on that.

Mr. WHITAKER. Yes.

Mr. YAKYM. And furthermore, if the timeline from August, which was told to us—or an FAA Administrator told—or official told back in September—if that timeline from August is slipping, I would like to have you circle back and articulate why within the FAA that timeline is slipping.

And then my second question is, once that notice is published, are you able to commit to publishing a final rule within 12 months of the notice of proposed rulemaking?

Mr. WHITAKER. I can commit to keeping the rule moving as quickly as possible. It depends on what comments come in, how

they get arbitrated, and then it has to go through a review process, as you know, up through OIRA. But we will give as much transparency as possible, and try to keep that moving as much as possible.

I think it is an important rule. We want to get it out.

Mr. YAKYM. Right, and I agree with you. It is an important rule and it is one that, due to so many delays in timelines, we have companies who are reevaluating their innovation, their R&D right here in the United States. We want companies to continue to make those investments here in the United States, so—

Mr. WHITAKER [interrupting]. I agree, yes.

Mr. YAKYM. Thank you for your commitment to moving forward.

Mr. WHITAKER. Yes.

Mr. YAKYM. And with that, Mr. Chairman, I would like to yield the balance of my time to my colleague, Mr. Nehls.

Mr. NEHLS. Thank you, sir.

Mr. GRAVES OF LOUISIANA. Sheriff Nehls.

Mr. NEHLS. So, we have talked about this letter. We have talked about the fact that I don't believe it was proofread, sir, I really don't. You seem to be a great guy. I think you have a bright future. But this letter is full of inaccuracies. It has flaws. It says "we do not test in a live environment," but I don't believe you believe that. I just think that is not what you believe, and I think we can point that out.

The last sentence of the letter, it says, "it is critical to provide the agency an opportunity to conduct research and determine mitigations." You talk about conducting research. Everybody that is listening, watching—Japan, New Zealand, Australia, our friends to the north, Canada—all have pilots above the age of 67. They have had no safety issues. Zero, no safety issues.

The head of the FAA in New Zealand—I went up to ICAO, I flew up to Canada, went to the ICAO meeting. The FAA Administrator of New Zealand said they have pilots flying up to the age of 75, and they have no issues. That is your live study, sir. Call them. Ask them.

I even got, believe it or not, John Prater, the former president of the Air Line Pilots Association, it says, "In the past"—reference 60 to 65—"In the past, commercial airline pilots who did not want to stop working at age 60 took jobs with international airlines or charter operators for which the retirement age was higher. The experience of these pilots should also be studied, said John Prater, president of the Air Line Pilots Association.

"You can look globally, look at Canada and look at pilots flying in corporate aviation and on-demand services like NetJets," Mr. Prater said, referring to a large private aviation service. "The GAO could expand and ask the airlines themselves. That's an avenue they could investigate if they chose to expand their look."

I yield.

Mr. GRAVES OF LOUISIANA. Thank you, Sheriff. I recognize the gentleman from Texas, Mr. Allred.

Mr. ALLRED. Well, thank you, Mr. Chairman. I want to thank you for holding this hearing. It's on an incredibly important topic at an important time.

And thank you, Mr. Administrator, for being here. I know that we are all united in wanting to restore confidence in our air travel. And when we have some Americans—I travel quite a bit, as we all do, and I was sitting next to some folks the other day who were saying that they were filtering out in their travel plans the planes that they think are unsafe. And when we have that, we know that we have to respond, and so, we have to respond together. Here our responsibility is to help you to ensure that we remain the gold standard. And you certainly have my commitment on that.

And I wanted to just ask you about, in reference to Boeing's internal oversight, you say that it's time to reexamine the delegation of authority and assess any associated safety risks. Could you discuss how the FAA intends to change oversight at the manufacturing sites to meet this goal?

Mr. WHITAKER. So, what we are doing, we are doing a number of things. We are doing an audit of the manufacturing process. We are looking into what is delegated, what could be overseen by a third party, and we have inspectors on the ground talking to employees to understand sort of the ground truth, if you will, of what is happening, what the pressures are.

And based on that outcome, we will look at putting together a program to continue to add direct oversight to what otherwise was sort of an auditing approach, so, a much more hands-on approach going forward. That will be really designed after this 6-week audit period is finished, and we have a better understanding of what's going on in the factory.

Mr. ALLRED. And do you need any further authorizations or support from the Congress in order to do that?

Is there anything in the FAA reauthorization that would assist in that?

Mr. WHITAKER. Well, I do appreciate you saying—the willingness to work together. I do think, with a problem like this, we all need to be rowing in the same direction: Congress, Boeing, the airlines, the FAA. I think we all want the same outcome, which is safe airplanes. So, we will certainly come back with you on that.

I think we do anticipate needing to hire more inspectors. The oversight before was a different skill set, and we need folks who are trained to be on the ground and much more hands-on, so, we do anticipate some hiring. I think we have the authorizing authority to do that. We may need to find the money to do it, but I think that will be a top priority, and we will either come back for that or we will make it work, one way or the other.

Mr. ALLRED. Because there is an inherent tension here between competition, the need to rush products to market.

I remember back when we dealt with the MAX initially a few years back, some of the internal discussions about needing to compete when you are also your own regulator or doing your own internal reviews. And so, it seems to me that we have to have more on our side in terms of independent investigators, and I recognize the cost associated with that. But I think that for the American flying public, it's a cost that's worth us bearing in terms of making sure that we don't have another incident like what we had.

And so, in order to have a truly safe system, it seems to me that we can't rely on the manufacturers themselves to be their own watchdogs. Is that something you would agree with?

Mr. WHITAKER. I certainly agree that what—the current system is not working because it is not delivering safe aircraft. So, we have to make some changes to that.

And I think we also have to look at the culture. To your point, incentives drive behavior. And I think maybe that we need to look at the incentives to make sure safety is getting the appropriate first rung of consideration that it deserves.

Mr. ALLRED. Yes. I mean, I played in the NFL, and if they had let us be our own referees, every time an offensive lineman tried to block me, it would have been a holding call, you know what I am saying? So, I think this is certainly something we should work on.

I wanted to come really quickly to the announcement that you just issued about the installation of the first modernized tower simulation system for traffic controller training in my State, Austin-Bergstrom International Airport. Could you elaborate how this technology will benefit our controller workforce that is already stretched so thin?

Mr. WHITAKER. So, these simulators, they are, in a way, a simple technology. It is a circle of screens that really reproduces the environment of that particular airport, and allows controllers to train on that environment. So, that works for new controllers. But also, if you have a problem at your airport, for example, a hotspot area or some other persistent problem that we have identified, existing controllers can actually train to that problem in that simulator.

So, it can be thrown at them as a situation to see how they respond, and it becomes a learning tool. So, it's really important for current training, but also for helping move controllers fast through the training process.

Mr. ALLRED. That's great. Well, thank you so much.

I yield back.

Mr. WHITAKER. Thank you.

Mr. GRAVES OF LOUISIANA. Thank you, Mr. Allred. I recognize the gentleman from New York, Mr. Molinaro.

Mr. MOLINARO. Thank you, Mr. Chairman.

And thank you, Mr. Whitaker. We welcome your leadership. It goes without question, the FAA, in at least my estimation and many others, has been in need of leadership, and certainly FAA reauthorization, critically important. We are hopeful the Senate moves earnestly, and that we can move that bill to law.

Without question, Americans have witnessed too many alarming incidents, from aircraft employee treatment to aircraft safety and passenger experience. I appreciated participating in the briefing last week regarding the door plug incident, and look forward, obviously, to the NTSB report and FAA's reaction and response.

On the topic of safety, I was very happy to see in your testimony you referenced FAA rulemaking on drug and alcohol testing for foreign repair stations. One of the first bills I introduced was the Global Aircraft Maintenance Safety Improvement Act, which ensures parity of safety protocols between domestic and foreign aircraft maintenance—you are familiar with—I am very happy to say

this provision has been included in the House-passed FAA reauthorization, and I am hopeful that it will remain a part of final law.

In the area of, in particular, both the treatment of aircraft employees and passenger experience, supporting mental health and breaking down barriers is a top priority of many of ours. It is why I joined Chairman Graves, Garret Graves, in urging the FAA to modernize its mental health protocols and take immediate steps to dismantle barriers that discourage individuals from seeking care.

I do appreciate in your testimony that you referenced the FAA's Mental Health and Aviation Medical Clearances Rulemaking Committee. I certainly, as do others, urge swift release of the report that comes from that committee and ask, sir, for your commitment here today in supporting making mental health and the treatment, in particular, of aircraft employees a top priority within FAA's regulatory environment.

Mr. WHITAKER. Yes, sir. It is a top priority, and I think it's long overdue to update the approach to mental health, and just treat these as health issues, and have a clearer path to treatment, and get people back in the cockpit as quickly as possible.

Mr. MOLINARO. Yes, we certainly acknowledge the rise in mental health concerns across America. They are made even more dangerous in confined environments like aircraft, and certainly men and women who are flying or participate in keeping us safe in that arena deserve adequate care. So, I certainly look forward to the progress and urge swift action.

Another question that I just wanted to touch on as it relates to advanced air mobility, a topic that we all have focused on pretty acutely, can you provide us a timing on the powered lift?

As far as I know, the FAA committed to completing it in 2024. I am certainly interested, as others, in hearing your insights and hearing what stage of development the SFAR is in.

Mr. WHITAKER. So, that rule is under development, and we do expect a final rule by the end of the year.

Mr. MOLINARO. Thank you, Mr. Whitaker. I want to reinforce my support of your efforts. In response to a comment and question from my colleague from Massachusetts, I just would note, the FAA, when it desires to, has a great deal of influence on landside activity at airports. Having managed one, I know that firsthand. And certainly, when there needs to be FAA clarity, I encourage it.

And with that, Mr. Chairman, I yield the balance of my time to Mr. Nehls.

Mr. NEHLS. Thank you, again, sir.

In the letter, again, it is critical to provide the agency an opportunity to conduct research and determine mitigations. We talked about the research. I mentioned to you, sir—and thank you for being here—I mentioned to you Japan, New Zealand, Australia, Canada. They are all operating with pilots over the age of 67. Do you think it would be a good idea to maybe reach out to those countries and ask them, hey, how is it working for you, Canada to the north? I mean, any issues with this?

I mean, we are all human beings. Any issues? Do you think that would be maybe a good idea to try to help accomplish what you

asked for in this letter, to conduct research and determine mitigations?

Mr. WHITAKER. Certainly, if the legislation is passed, we will look at that option.

Mr. NEHLS. Yes. I think it is very, very important because it is all there for you.

I mentioned—I talked a little bit about the 135s, right, these part 135 operators that are flying the millionaires and billionaires. A lot of people can't fly that in this room here. They are flying around the millionaires and the billionaires, and those pilots can be 67 years old. And the FAA is OK with that. Correct?

I mean, it's—they can fly 67 years old, and fly the millionaires and billionaires in the same airspace. Ambrosi argued with me on that one. The ALPA president said, oh no, they don't operate in the same—he is not being truthful. They fly in the same airspace. You would agree with that?

Mr. WHITAKER. Do I agree that they fly in the same airspace?

Mr. NEHLS. Yes.

Mr. WHITAKER. They do, yes.

Mr. NEHLS. So, how can we allow pilots to be 67 to fly the millionaires and the billionaires, but not allow Delta, United, and American to do it when we know we have a pilot shortage?

Mr. WHITAKER. Well, we don't set these age limits. The Congress does that.

Mr. NEHLS. I know it, and we are going to fix it. We are going to fix it today.

Mr. GRAVES OF LOUISIANA. Thank you, Sheriff. I recognize the patient gentlelady from California, Ms. Brownley.

Ms. BROWNLEY. Thank you, Mr. Chairman, I appreciate that.

Welcome, Mr. Administrator. Thank you for being here. Last week, we learned again about Spirit AeroSystems, and they incorrectly drilled holes in the fuselage. I am wondering if you know at this point in time, has FAA determined how many aircraft were delivered to customers with these problems, and what actions are being taken to address this newest problem with Boeing and its supplier?

Mr. WHITAKER. So, we are working with Boeing to understand what happened here, and so, we are investigating that piece of it.

These are small rivets that hold a window in place. So, likely what that means is it's—well, we know it's not to compliance, so, we want to understand why it has not been manufactured per design, and then we will see what corrective actions need to be taken to repair the windows, and when that has to happen.

Ms. BROWNLEY. I am talking about incorrectly drilled in the fuselage, that they had drilled holes that were too close to the edge.

Mr. WHITAKER. Yes, those were around a window holding.

Ms. BROWNLEY. Oh, they—OK.

Mr. WHITAKER. Yes, in the fuselage.

Ms. BROWNLEY. OK. Very good, very good. So, the House FAA reauthorization bill would create a new Deputy Administrator for Safety and Operations to engage in the certification and operational approval of lifesaving technologies.

Can you share your thoughts on how technology will improve aviation safety, and how you would use the new Deputy Administrator role to further advance technologies?

Mr. WHITAKER. I think that technology has been one of the great tools that we have had to reduce the accident rate in aviation, and I think there is a lot of benefit in expanding what is available, particularly into GA aircraft, to provide more situational awareness in the cockpit.

I think the focus needs to be looking at ways to bring that kind of technology to market as quickly as possible, recognizing the positive impact that it has on safety. So, I can see that role helping to facilitate that action.

Ms. BROWNLEY. So, the Deputy Administrator would be really responsible for trying to really prioritize this within the organization?

Mr. WHITAKER. I think we always want to prioritize safety, but it would be an additional resource to have perhaps quicker implementation.

Ms. BROWNLEY. Great. Thank you for that. The FAA and PASS, the Professional Aviation Safety Specialists, have been in collective bargaining for over 2 years now. What is the status of that?

Mr. WHITAKER. My understanding is that the vast majority of terms have been agreed. There are, as happens in these types of things, a handful that are still outstanding. We are committed to working as quickly as possible to try to get to a final resolution.

Ms. BROWNLEY. I understand that following the January 24 FAA approval of the 737 MAX 9 inspection plans, both Alaska and United began to return aircraft to service. Do you know how many aircraft remain to be inspected?

And have you heard from these airlines what their total estimated losses have been since the original grounding?

Mr. WHITAKER. I don't have any information on the financial impact of this, and I am sure they are dealing directly with Boeing.

As far as the number of aircraft returned to service, I think it has been about 90 percent so far. I don't have a precise number, but most of them have been returned to service.

Ms. BROWNLEY. Thank you, Mr. Chairman, I yield back.

Mr. GRAVES OF LOUISIANA. You didn't want to yield your time to the gentleman from Texas?

Ms. BROWNLEY. I thought about it, but I thought I would pass.

Mr. GRAVES OF LOUISIANA. Thank you, Ms. Brownley. I recognize the gentleman from New Jersey, Mr. Kean.

Mr. KEAN OF NEW JERSEY. Thank you, Mr. Chairman, and I would like to thank Administrator Whitaker for being here today.

Runway safety is a critical aspect of aviation, and many runway instances and near-misses have been reported over the past year. And you outlined in your testimony the actions the FAA has taken to address these risks. What are some of the challenges you still face in addressing such safety risks?

Mr. WHITAKER. I think—we don't have a lot of direct barriers, other than sort of capacity of manpower. So, we have dispatched runway safety teams to virtually every major airport in the country to review the geometry of the airport and to assess what technologies might be helpful, whether it's as simple as lighting and/or signs, or a more complex surface awareness technology. It's the

surface awareness technology in the tower that's the most helpful, and I think that's sort of the long pole in the tent at this point.

Mr. KEAN OF NEW JERSEY. OK. How is the FAA addressing workforce challenges, particularly in terms of acquiring and maintaining the expertise necessary for certifying new technologies such as unmanned aircraft systems and advanced air mobility technology?

Mr. WHITAKER. So, these new technologies do present challenges for us on the certification side. There are a lot of new systems, a lot of new capabilities that are new to aviation. So, bringing in the right workforce to work those issues is an ongoing challenge. We are competing with all these companies out there that are developing those technologies, but we are working to make sure we have those resources in place.

Mr. KEAN OF NEW JERSEY. What is the FAA doing to ensure that the agency is ready to fully implement the FAA reauthorization legislation, which the Senate has yet to act on, when signed by the President and enacted into law?

Are you doing anything to anticipate your reauthorization in-house?

Mr. WHITAKER. Are you talking about the new legislation?

Mr. KEAN OF NEW JERSEY. Yes.

Mr. WHITAKER. So, when that legislation is complete, we have a process that we will run to identify the projects for us that come out of that, and set up a sort of a program management approach so that we are tracking those, trying to meet the deadlines and, if the deadlines are not achievable, communicating that as quickly as possible. But I think the key will be open communication with the committee.

Mr. KEAN OF NEW JERSEY. If I may, I would recommend there has got to be broad agreement. And as you can see and this administration must be able to see, between what this committee and this Chamber, as well as what the Senate is looking at, that you can anticipate what is coming in a number of areas.

Mr. WHITAKER. Right.

Mr. KEAN OF NEW JERSEY. So, I would anticipate—if I may, if you can also anticipate some of those efforts.

Mr. WHITAKER. Yes, sir.

Mr. KEAN OF NEW JERSEY. And with that, I will yield the remainder of my time to Mr. Nehls from Texas.

Mr. NEHLS. Thank you, sir.

In your early testimony, you talked about—you established an—I think it was an independent Safety Review Team for the Boeing situation. Is that correct, to look at Boeing?

Mr. WHITAKER. There was an independent Safety Review Team established last year, before I came, in response to near-misses.

Mr. NEHLS. Sure.

Mr. WHITAKER. And they put out a report in November.

Mr. NEHLS. And I am all about safety. I know you are. Everybody in America wants to have—we got the greatest aviation—I mean, our reputation is rock solid. We are safe. We have done a very good job in this country as it relates to aviation safety.

Could you consider asking a group like that to go review some of the records from Japan, New Zealand, and Canada, to look at

it? I mean, it's a Safety Review Team. Get the records. Ask them, hey, tell us a little bit about your history over here, and your programs, and having these pilots at 67 flying around up to 70. How is it working out?

Don't you think that would be very useful information, not only for Congress here, but for the FAA, the Administrator specifically?

Mr. WHITAKER. If that legislation does raise the age, we will certainly look at all the tools available, absolutely.

Mr. NEHLS. Absolutely, and I think that's fantastic, even with the—like the part 135s. I mean, are you aware of any issues related to, like, part 135s?

I mean, has your office received phone calls about potential issues related to all the 135 operators that are flying right now while we are having this conversation?

You get all the data, don't you? I mean, are you a receptacle of a lot of the complaints and the data, safety regulations as it relates to part 135?

Mr. WHITAKER. We would certainly look at that data as part of that.

Mr. NEHLS. Yes, up to—do you feel the—I mean, are you aware of any issues with these pilots flying around in the same airspace as Delta at age 67 with the part 135s?

Mr. WHITAKER. I have not looked at the data to see if there are any issues around that.

Mr. NEHLS. I yield back. Thank you.

Mr. GRAVES OF LOUISIANA. Thank you, Sheriff.

I will take a moment of personal privilege here. The staffer on my right keeps screwing up this list, I have had enough of this, and so, we are going to go ahead and fire him.

[Laughter.]

Mr. GRAVES OF LOUISIANA. Seriously, to my right is Chris Senn, who has served in our military, got a master's in aviation, a new entrant in the market, has a law degree, and has been an incredible asset to this committee as we have gone through and built this near-perfect aviation bill.

I think this is going to be the last subcommittee action this week, and I just want to take a minute. He is going to be taking off at the beginning of next month, and I just want to thank him for his dedicated service, working in a bipartisan manner with the entire aviation team and, I will say it again, has just been a tremendous asset to the committee, and I really do appreciate his service.

[Applause.]

Mr. GRAVES OF LOUISIANA. But I did want to fire him before he was able to resign.

[Laughter.]

Mr. GRAVES OF LOUISIANA. So, Chris, thank you very much. I really do appreciate your service and friendship, and good luck.

With that, I recognize the gentleman from California, Mr. DeSaulnier, for 5 minutes.

Mr. DESAULNIER. Thank you, Mr. Chairman, and I would like to add my thanks to your staff.

I also want to, right at the beginning, say to Mr. Nehls, I am too old to yield any time to you, so, you are not going to get any of my time.

[Laughter.]

Mr. Administrator, you have a long, illustrious career, and I agree with many of the comments, but you have seen this industry your organization and the industry regulates, both the manufacturers and the airline companies. Clearly, the world has changed. And I worry—you mentioned this in your opening statements—it's the near-misses, it's the manufacturing problems, it's NOTAMs, it's runway incursions. All of those things, to me, send bright red warning signs.

And what I hear from you so far is you accept that. Not to be Pollyannaish, but we can't rest on our laurels. And I am afraid, in many of these hearings prior to you getting your position, my sense is that the FAA was resting on its previous track record. And quite frankly, your organization reminds me of NASA just before the *Challenger* disaster and the observation by the Commission, the institutional deviation. But with you, it is writ large into the culture. So, that is a comment, the safety culture of these companies.

The perfect storm to me is this long, wonderful relationship between the Department of Defense, the military, and aviation, both contractually and manufacturing, and supplying workforce, and then this changing at the same time we have issues around climate change, and we are coming out of COVID. Airbus and Boeing, they had great profits after consolidation, and now Boeing is losing money, and Airbus is close to losing money.

Similarly, in your conversations with the air carriers, the commercial air carriers, enormous pressure. Warren Buffett had a great line about investing in airlines. He said, "I have an 800 number. I call at 3 o'clock in the morning to say, 'This is Warren Buffett, I am afraid I am going to invest in air stocks again. Please talk me out of it,'" but he still did it.

So, this safety culture versus the risk assessment, from the details in the FAA reauthorization, one of the parts that we put in there in the case of Alaska, the root cause can go back and find out who actually worked on that plane, what hours they worked on. I am told Airbus has that information when they do it. So, those simple things from the safety culture writ large, I would like your response.

And as you talk to the CEOs, who are under enormous pressure coming out of COVID, when we kept them in business, and with ridership going up to make—to avoid losses in an investment market that can move very quickly away from them, that would create greater damage.

And then, on top of that, you have got Boeing that is not going to be able to supply the product that they are contractually already into, and have serious financial disincentive to delay that too long.

So, that is a long question about safety culture. How do you maintain a safety culture or return to that safety culture that we used to have, and I think we have lost?

And we are one disaster away from the industry imploding.

Mr. WHITAKER. Thank you for the question. I think you have hit on some really true points. I have been reemphasizing since I have been at the agency that we can't rest on our laurels. We have to be ever-vigilant to look for risks in the system, and that has been the focus for the past 3 months.

And culture and safety is really important, and it is one of the things we are going to be looking at with Boeing. We have got a safety culture review that was commissioned as part of the certification reform legislation that is going to be complete later this month, and I think that will be informative.

But at the end of the day, the goal is to make safe airplanes. And if you don't have that safety culture, I think it is hard to make safe airplanes. So, we are going to be very focused on that, on the quality process, and really looking at wherever the data takes us as we do this audit. We have to get back to a culture where safety is first. I don't care what's second, but safety has to be first, and that's where we need to get.

Mr. DESAULNIER. And on the operational side, on the NOTAMs and the near-misses, same thing. I have talked to pilots who really express—and air traffic controllers—that we are pushing a lot of product from pressure from the operators.

Mr. WHITAKER. Yes, that's right. And I think, in my realm, controllers was one of the first orders of business. It's a lot of folks working overtime, and have been doing so for years. And that's not a sustainable thing, in my view. So, hiring as many controllers as we can, and looking at fatigue as a risk that needs to be mitigated is our approach there.

Mr. DESAULNIER. Thank you.

I yield back.

Mr. D'ESPOSITO [presiding]. Thank you. I now recognize myself for 5 minutes.

Mr. Administrator, I want to thank you for being here today, and I know that it was touched upon by a couple of my colleagues already, but I have some further questions.

Ninety-two days ago, you were copied on a letter that was sent to the Transportation Secretary by members not only of this committee and other committees, but by the chairman of the subcommittee, the chairman of the full committee, and 68 other Members of the House. The letter asked very straightforward questions about the Biden administration's plan to house illegal immigrants and migrants at FAA sites and airports, some of our largest transportation hubs in this Nation, including one that's just blocks away from my district at JFK Airport. We requested a response by November 20, 2023. Today is February 6, 2024, and we haven't gotten any response.

So, I would like to submit the letter for the record—again, signed by 68 other Members of the House, sent 92 days ago.

[The information follows:]

Letter of November 6, 2023, to Hon. Pete Buttigieg, Secretary, U.S. Department of Transportation, from 70 Members of Congress, Submitted for the Record by Hon. Anthony D'Esposito

CONGRESS OF THE UNITED STATES,
WASHINGTON, DC 20515,
NOVEMBER 6, 2023.

The Honorable PETE BUTTIGIEG,
Secretary,
United States Department of Transportation, 1200 New Jersey Avenue, SE, Washington, DC 20590.

DEAR SECRETARY BUTTIGIEG:

We are deeply disturbed by reports that the Federal Government is allowing for and encouraging the use of our Nation's airport infrastructure as temporary shelters for illegal immigrants. We adamantly oppose these ill-conceived plans that blatantly ignore the true crisis at hand and would inappropriately utilize America's infrastructure. Our Nation's airport infrastructure was built to facilitate commerce and transportation, not to serve as housing for unvetted and undocumented migrants. We request that you enforce public airport grant assurances and reject such plans.¹

As you are aware, our Nation's southern border is an uncontrolled and unmitigated disaster. Untold numbers of illegal immigrants cross our borders unchallenged every single day. Over six million illegal immigrants have entered the United States and been apprehended under President Biden's failed leadership.² Many are then released into the United States, some of whom will presumably never be seen again.³ The Biden-Harris Administration's abject failure to protect our border or support policies that will keep America secure is an unconscionable dereliction of the most fundamental duty the Federal Government has to the citizens of this country.

Unsatisfied with the indignity of our unsecure southern border and incapable of dealing with the effect its failed policies have had, turning every state into a border state, this Administration is now reportedly proposing to transform our Nation's airports into migrant camps.⁴ The Department of Homeland Security (DHS) has proposed housing 60,000 migrants at four public airports and various other facilities in New York and New Jersey.⁵ These airports and their communities rightfully fear being transformed into larger versions of Chicago O'Hare International Airport, which has reportedly converted portions of its terminal into a shelter for hundreds of migrants.⁶ At a time when the Administration is proposing higher screening requirements on known airline crewmembers due to security risks, we are extremely concerned about the lack of regard for security risks posed by housing thousands of unknown persons at airports, many of which support passenger air service and host sensitive military facilities.⁷

Airports are generally required to request permission from the Federal Aviation Administration (FAA) before using aeronautical land and facilities for nonaeronautical purposes, like the housing of migrants, on an interim basis.⁸ These provisions prevent governments, including the Federal Government, from abusing taxpayer investment in aeronautical facilities and commandeering them at below-market rates for nonaeronautical and incompatible purposes. It is your responsibility to direct the FAA to reject any attempt by a Federal, state, or local agency to use air-

¹ FEDERAL AVIATION ADMINISTRATION, AIRPORT IMPROVEMENT PROGRAM GRANT ASSURANCES FOR AIRPORT SPONSORS (May 2022), available at https://www.faa.gov/sites/faa.gov/files/airports/new_england/airport_compliance/assurances-airport-sponsors-2022-05.pdf.

² See Press Release, HOUSE GOP CONFERENCE, *Actions Speak Louder Than Words*, (Oct. 3, 2023), available at <https://www.gop.gov/news/documentsingle.aspx?DocumentID=602>.

³ Julia Ainsley, *With border crossings up, U.S. begins releasing migrants onto U.S. streets again*, NBC NEWS, (September 15, 2023), available at <https://www.nbcnews.com/politics/immigration/border-patrol-releases-migrants-city-streets-arizona-california-rcna105308>.

⁴ Laura Nahmias, *Biden Offers Airports in Atlantic City, on Canadian Border to House NYC Migrants*, BLOOMBERG, (August 30, 2023), available at <https://www.bloomberg.com/news/articles/2023-08-30/biden-offers-nyc-migrants-11-sites-including-atlantic-city-airport>.

⁵ *Id.*

⁶ Elizabeth Heckman, *Chicago's O'Hare Airport used as a migrant shelter as crisis overwhelms city: Like a scene from Mad Max*, FOX NEWS, (September 7, 2023), available at <https://www.foxnews.com/media/chicagos-ohare-airport-used-migrant-shelter-crisis-overwhelms-city-like-scene-mad-max>.

⁷ TRANSPORTATION SECURITY ADMINISTRATION, NATIONAL AMENDMENT ON AVIATION WORKER SCREENING, TSA Order TSA-NA-23-02.

⁸ FEDERAL AVIATION ADMINISTRATION, AIRPORT COMPLIANCE MANUAL, Pg. 22-4, (last accessed Sept. 20, 2022), available at https://www.faa.gov/documentlibrary/media/order/5190_6b.pdf.

port facilities for such a nonaeronautical and incompatible purpose as housing migrants.

In order to ensure the safety of the flying public, we request that you provide answers to the following questions no later than 5:00pm on November 20, 2023:

1. How many and which airports regulated by the FAA currently host temporary or permanent shelters for illegal immigrants or other persons?
2. Has the FAA received or granted any request from an airport or a local, state, or Federal agency between January 20, 2021, and today to temporarily use aeronautical facilities for purposes of hosting a migrant shelter? If so, which?
3. To what extent has DHS consulted with the FAA about the appropriateness of proposing to house migrants at airports? If DHS has consulted with the FAA, what has been the FAA's response?

Thank you for your prompt attention to this important matter. If you have any questions, please direct your staff to contact T. Hunter Presti, Majority Staff Director, Subcommittee on Aviation.

Sincerely,

SAM GRAVES,
*Chairman, Committee on
Transportation and Infrastructure.*

GARRET GRAVES,
Chairman, Subcommittee on Aviation.

ROBERT B. ADERHOLT,
Member of Congress.

JIM BAIRD,
Member of Congress.

MIKE BOST,
Member of Congress.

ERIC BURLISON,
Member of Congress.

ELISE M. STEFANIK,
Member of Congress.

ANTHONY D'ESPOSITO,
Member of Congress.

MARK ALFORD,
Member of Congress.

AARON BEAN,
Member of Congress.

TIM BURCHETT,
Member of Congress.

KEN CALVERT,
Member of Congress.

KAT CAMMACK,
Member of Congress.

ANDREW S. CLYDE,
Member of Congress.

ERIC A. "RICK" CRAWFORD,
Member of Congress.

NEAL P. DUNN, M.D.,
Member of Congress.

RON ESTES,
Member of Congress.

MIKE FLOOD,
Member of Congress.

EARL L. "BUDDY" CARTER,
Member of Congress.

MIKE COLLINS,
Member of Congress.

BYRON DONALDS,
Member of Congress.

CHUCK EDWARDS,
Member of Congress.

SCOTT FITZGERALD,
Member of Congress.

VIRGINIA FOXX,
Member of Congress.

C. SCOTT FRANKLIN,
Member of Congress.

TONY GONZALES,
Member of Congress.

LANCE GOODEN,
Member of Congress.

HARRIET M. HAGEMAN,
Member of Congress.

RICHARD HUDSON,
Member of Congress.

BILL JOHNSON,
Member of Congress.

ANDREW R. GARBARINO,
Member of Congress.

JENNIFFER GONZALEZ-COLÓN,
Member of Congress.

MICHAEL GUEST,
Member of Congress.

ERIN HOUCHIN,
Member of Congress.

DARRELL ISSA,
Member of Congress.

DUSTY JOHNSON,
Member of Congress.

THOMAS H. KEAN, JR.,
Member of Congress.

DOUG LAMALFA,
Member of Congress.

NICK LANGWORTHY,
Member of Congress.

MICHAEL V. LAWLER,
Member of Congress.

TOM MCCLINTOCK,
Member of Congress.

MARCUS J. MOLINARO,
Member of Congress.

MIKE KELLY,
Member of Congress.

DOUG LAMBORN,
Member of Congress.

JAKE LATURNER,
Member of Congress.

NICOLE MALLIOTAKIS,
Member of Congress.

MARY E. MILLER,
Member of Congress.

JOHN MOOLENAAR,
Member of Congress.

TROY E. NEHLS,
Member of Congress.

GREG PENCE,
Member of Congress.
HAROLD ROGERS,
Member of Congress.
DAVID ROUZER,
Member of Congress.
ADRIAN SMITH,
Member of Congress.
PETE STAUBER,
Member of Congress.
BURGESS OWENS,
Member of Congress.
GUY RESCHENTHALER,
Member of Congress.
JOHN ROSE,
Member of Congress.
CHIP ROY,
Member of Congress.
CHRISTOPHER H. SMITH,
Member of Congress.
GLENN "GT" THOMPSON,
Member of Congress.

DAVID G. VALADAO,
Member of Congress.
BETH VAN DUYN,
Member of Congress.
TIM WALBERG,
Member of Congress.
DANIEL WEBSTER,
Member of Congress.
BRANDON WILLIAMS,
Member of Congress.
JEFF VAN DREW,
Member of Congress.
DERRICK VAN ORDEN,
Member of Congress.
RANDY K. WEBER,
Member of Congress.
BRUCE WESTERMAN,
Member of Congress.
RUDY YAKYM III,
Member of Congress.

cc: The Honorable Rick Larsen, Ranking Member, Committee on Transportation and Infrastructure.

The Honorable Michael Whitaker, Administrator, Federal Aviation Administration.

Mr. D'ESPOSITO. And since we haven't heard back, I would like to pose the questions from the letter to you right now.

How many and which airports regulated by the FAA currently host temporary or permanent shelters for illegal immigrants or other persons?

Mr. WHITAKER. I don't have any information about that.

Mr. D'ESPOSITO. OK. I also want to point out that probably not mentioned in the letter—and I know wasn't mentioned by my colleagues—I took a visit to JFK Airport just days after this site was apparently approved. I coordinated with Mayor Adams' office, I coordinated with the port authority, TSA.

And I spent a career in the NYPD as a detective. And one of the most startling things that I found when I got to JFK Airport was not the fact that the FAA or the city of New York actually had me go all the way to JFK Airport only to tell me that the meeting was canceled and they were not going to allow me to tour the facility, but the biggest concern that I have is that there is zero communication amongst agencies at that airport. Nobody knows who's in there, nobody knows what's going on.

I mean, it is a transportation hub, probably one of the largest in the country, and we have people just wandering the streets coming out of this facility. I am not sure how anyone thought that this was a good idea.

Has the FAA received or granted any request from an airport or a local, State, or Federal agency between January 20, 2021, and today to temporarily use a facility for purposes of hosting a migrant shelter?

Mr. WHITAKER. I don't have direct information. I am happy to respond after with a response to that.

Mr. D'ESPOSITO. To what extent has DHS consulted with the FAA about the appropriateness of proposing to house migrants at airports?

Mr. WHITAKER. I don't have any direct information about that.

Mr. D'ESPOSITO. If DHS has consulted with the FAA, what has been the FAA's response?

Mr. WHITAKER. Again, I have no direct information on this.

Mr. D'ESPOSITO. Committee staff asked in a followup email if the FAA could provide a detailed description of any analysis or assessment of the DHS housing plan, or any other instance of airport migrant housing that has been conducted by the FAA in accordance with the FAA's safety risk management policy.

The decision to approve housing of migrants poses a serious security threat and represents failure of the Biden administration's disastrous border policies.

Does the FAA have a plan in place to ensure that any of these sites, even the ones that perhaps you don't know about yet, will no longer be used to house migrants?

Mr. WHITAKER. I don't have any information about that.

Mr. D'ESPOSITO. So, you are the Administrator of the FAA, and you don't have any information on any FAA locations that have housed migrants or could potentially house migrants?

Mr. WHITAKER. To my knowledge, there are no FAA locations that house migrants.

Mr. D'ESPOSITO. To your knowledge, are there any FAA locations that were approved to house migrants?

Mr. WHITAKER. I mean, I don't consider an airport an FAA location. Maybe you are talking about airports, but—

Mr. D'ESPOSITO [interrupting]. You were—the FAA has to approve in order for them to become migrant shelters.

Mr. WHITAKER. We approve use—community use agreements, yes.

Mr. D'ESPOSITO. OK, and at no point did the FAA think that perhaps it was a bad idea to house migrants in these locations?

Mr. WHITAKER. I don't have any information on what FAA was thinking before I got there.

Mr. D'ESPOSITO. OK, so, when did you take reins as Administrator?

Mr. WHITAKER. The end of October.

Mr. D'ESPOSITO. The end of October. OK, so, on November 6, 2023, was when the letter was sent. It is now February 6, 2024. We still haven't received a response.

Will you commit today in front of this committee that in 1 month, you will respond to the questions that were asked in this letter?

Mr. WHITAKER. One month from today I will, yes.

Mr. D'ESPOSITO. From 1 month today. So, by March 6 of 2024, we will have an answer to all of the questions?

Mr. WHITAKER. Yes.

Mr. D'ESPOSITO. Thank you very much.

I now recognize from New Jersey, Mr. Menendez.

Mr. MENENDEZ. Thank you, Chairman. Today, I want to focus on the constant helicopter noise we face in our district, in New Jersey's Eighth Congressional District. It's a densely populated, urban

area. I have heard from countless constituents about helicopters that fly at low altitudes for prolonged periods of time, shaking apartment buildings and disrupting enjoyment of public spaces such as our urban oasis of Liberty State Park.

Residents are also concerned that helicopters have been using new flightpaths without input or notice to residents. How does the FAA monitor and enforce helicopter altitudes and decibel limits in areas like New Jersey's Eighth Congressional District and Liberty State Park?

Mr. WHITAKER. So, we don't have direct authority over noise, per se. But what we do have are operating rules for helicopters. So, they are required to operate at certain altitudes as they traverse land, but beyond that, it's a—they fly routes according to what's available in the airspace.

Mr. MENENDEZ. And the monitoring component, how do you monitor their altitude?

Mr. WHITAKER. Well, they monitor their own altitude. We would get reports if there are altitude deviations. That could come from a variety of sources.

But for all operations in the air, there are certain minimum altitudes to be operated at.

Mr. MENENDEZ. Understood. And what can the FAA do to address persistent and burdensome helicopter noise?

Mr. WHITAKER. So, I think the most effective tool that we have found is community meetings sponsored by a Government entity, usually an airport, that are open and inclusive, so, include not only the immediately affected areas, but also areas surrounding that, so that there is an ability to have a community dialogue around solutions.

Mr. MENENDEZ. Great, and that is a great segue. Last week, I wrote to you highlighting the impact helicopter noise has on the district. My office and the Hudson County Board of Commissioners have received a growing level of complaints and are requesting the opportunity to discuss the issue and potential solutions during a public meeting with you or a representative from the FAA. I want to formally invite you to our district to experience this issue firsthand, and to work together towards a solution by attending this public meeting with the Hudson County Board of Commissioners.

Mr. WHITAKER. We would be happy to have a representative participate, provided it's, as I mentioned, a Government-sponsored meeting, and one that includes a very broad community.

And I think it's also useful to include zoning officials, since some of this is also zoning related—

Mr. MENENDEZ [interposing]. Sure.

Mr. WHITAKER [continuing]. Which is outside of our domain, as well, sir.

Mr. MENENDEZ. Yes, absolutely, and we would be happy to build a broad coalition of folks there and different stakeholders to ensure that's a productive meeting for the representative that's able to attend.

Switching gears, I am glad that the FAA has taken serious steps to deal with terrible assaults and violent incidents against flightcrews, and I commend the agency's efforts in taking on this issue.

However, I am still concerned that assaults against landside employees aren't receiving the same level of response. These workers work directly with customers who are experiencing delays, cancellations, or other complications with their travel. The 2018 FAA reauthorization bill tasked the FAA with implementing employee assault prevention and response plans. Those plans have yet to be put into place, and I have tried to fix this problem through my bill, the Airline Employee Assault Prevention Act.

While I am pleased that the House-passed version included pieces of this bill, the work is far from over. Mr. Whitaker, do you know why these plans haven't been implemented yet?

Mr. WHITAKER. I am not familiar with that specific plan.

I do share your concern about, obviously, assaults on not only flightcrew, but in the airport. I think the airport space becomes a little more complicated. You don't have the clear authorities and the sort of captive environment, and it's unclear, for example, what TSA's involvement might be, what the local police involvement might be, what the airport's involvement—so, I think the issue becomes murkier in the airport environment.

This issue has been raised to me, and I have had some discussions with airport directors about that. So, it is an issue of concern.

Mr. MENENDEZ. Yes, and we understand it's a jurisdictional issue, and that's what part of our legislation was meant to address, to ensure that these assault prevention plans cover both the airside and landside. And so, I want to make sure we work with all partners to ensure that all folks and employees are kept safe, especially sort of as some of these travel challenges lead to upset passengers and they have unfortunate impacts.

So, I look forward to working with you on this issue, and I appreciate your testimony here today. Thanks so much.

Mr. WHITAKER. Thank you, sir, yes, we will follow up on that issue with you.

Mr. MENENDEZ. Great. Thank you.

I yield back.

Mr. D'ESPOSITO. Thank you, Mr. Menendez. I now recognize Mr. Massie for 5 minutes.

Mr. MASSIE. Thank you, Mr. Chairman.

Mr. Whitaker, I have heard from several aircraft manufacturers and component manufacturers that the certification process at the FAA has become even more long and arduous than normal in a post-COVID era. Some of this they attribute to people not returning to work in the office yet after COVID, some of it is because there are a lot of new employees who don't have as much familiarity as the more senior employees did who left.

What are you doing or what do you plan to do to improve this certification process so that U.S. companies can be competitive, and improve safety and efficiency for our pilots and passengers?

Mr. WHITAKER. So, it is a very important issue, and we have a number of things that we are looking at doing.

One is creating more transparency in the process. So, we identify where an application is, why it's not moving. So, sometimes it's because we are still waiting for data, or sometimes maybe we have the data, and we are not moving fast enough. So, we want to get some certainty around that.

I think there has been a little bit of overcorrection following the MAX events, frankly, a little more conservative approach. And I think having clear leadership and clear process so we can resolve decisions is an important part of that, and we are looking at ways to do that. It's an important issue and one we are working on.

Mr. MASSIE. There is another area of efficiency that I have heard from people that may need to be addressed. And I might not be articulating this exactly correctly, but a pilot explained to me that when pilots have to leave for health reasons, and then that health reason is overcome, and then they try to get back into the system, that there's not enough people, or that process is also being delayed and has a long lead time. And I think that's particularly problematic, given the chronic shortage of pilots. Is he correct in that? And is there anything you can do about that?

Mr. WHITAKER. He is correct in that. I have had two flight instructors who both went through that, and they both complained to me about how long it took. So, we are trying to move that approach.

It's not unrelated to the Mental Health ARC that we have stood up. Just trying to make the system clearer and be able to get to decisions more quickly, so, that's something we are looking at, as well.

Mr. MASSIE. Another thing in that line of questioning with pilot shortages, training is a big issue, and getting pilots through that process. And it just came to my attention that the GI Bill, it's a great program for veterans, and it covers a lot of things, but it doesn't cover some of the things that you need to become a pilot. And I would think using a GI Bill to get those hours that you need to become a certified pilot may be more important than basket weaving, a degree in basket weaving, which the GI Bill will cover.

So, would you be supportive of having more flexibility in the GI Bill, so that we could use that money that these veterans have earned in service to their country in order to become pilots?

Mr. WHITAKER. I absolutely would, and I would favor treating pilot training the way you treat any other educational endeavor to get a status. It's expensive to become a pilot, it takes a long time. So, I would fully support that.

Mr. MASSIE. Another question that I have, we used to see these notices at the airport that said you need to have a REAL ID to fly come a certain date, and that date kept getting pushed back, and now I don't see the signs at all. Are we going to have to have a REAL ID that has the new and improved driver's license, if you will, in order to fly any time soon?

Mr. WHITAKER. That would typically be regulated by TSA, so, I am not really familiar with that issue.

Mr. MASSIE. OK, because I think it is a concern. There was a lot of bureaucracy that was implemented in order to do all that.

One other question that I have is I know a lot of—maybe not a lot, but there were some pilots who left because of vaccine mandates, and I don't know if the air traffic controllers had that same issue. But what are you doing to make it easier for them to come back to work?

Mr. WHITAKER. It's not an issue that I have run across. I will look into that, and I am happy to respond.

Mr. WHITAKER. But you are aware that some pilots did leave because of the COVID vaccine mandate.

Mr. WHITAKER. Well, that would be between the pilots and the airlines, but I will—I can look into the controllers. It is not an issue I have become familiar with, but I am happy to look at it.

Mr. MASSIE. Well, if we are looking into the—I appreciate you agreeing to look into that, because if we are looking into the chronic shortage, which does affect issues that you do have to deal with, I think that's an important thing to look at.

Mr. WHITAKER. Yes.

Mr. MASSIE. So, I appreciate your time today, and good luck finding all the inefficiencies. I am sure you will find all of them, and you will have perfect solutions to everything.

And thank you for addressing the certification process, because I think that is really important. We want to make sure U.S. companies are competitive, and they can get their products certified that will increase awareness and safety for pilots and passengers.

Mr. WHITAKER. I agree.

Mr. MASSIE. Thank you.

Mr. WHITAKER. Thank you.

Mr. MASSIE. I yield back.

Mr. D'ESPOSITO. Thank you, Mr. Massie. I now recognize Ms. Scholten for 5 minutes.

Ms. SCHOLTEN. Thank you. I want to thank our chairman and ranking member for hosting this hearing.

And thank you so much, Mr. Whitaker, for taking the time to be here. Not only as a member of this committee, but as a mother and a frequent flyer myself now because of this, this is also a deeply personal issue. When I fly with my kids and back home to my kids, the safety and security of air travel is essential.

You have a mighty task in this new role, and we know that you are up to it. I thank you for your patience in handling all the questions today. I have two questions for you. One is general for all air travelers and then another specific for my district.

We have talked a little bit in this hearing today about the differences in approval delegations. We on this committee may understand the differences between design and manufacturing approval delegations, but for the American people, they don't necessarily know that. They know that hundreds of people died in 2018 and 2019 because of the Boeing 737 MAXes. And they know that now there are terrifying experiences happening to travelers on essentially those same planes.

What are we doing to not only ensure safety, but that assure that people can feel safe after this investigation process?

Maybe more specifically, what are you specifically tasking MITRE to examine in terms of reclaiming certain approval authorities? And if you can, give some examples of that.

Mr. WHITAKER. Thank you. So, the MITRE tasking is to really look at what has been delegated and what our options are for reeling in that delegation, and what areas are being undertaken by the manufacturer that could be done by a third party, for example. So, really, it's a question of looking at having a neutral third party overseeing parts of this process. So, we will see what they come up with.

You're right. There is confusion between the design delegation, which is really where a lot of delegation happens, and manufacturing, where there is less delegation, but there are functions that look like oversight, like quality control that don't seem to be being properly executed. So, the audit is designed to allow us to really understand what are the impacted areas, why is it not working, and what are our tools for fixing it, whether that's bringing a third party in to oversee it or somehow change other incentives or the process.

Ms. SCHOLTEN. Thank you. Again, for the sake of the passengers, for the sake of the industry which we all rely on, we implore you to make it clear in these studies what has been done and what has been undertaken to assure safety for the American people going forward.

Mr. WHITAKER. Yes.

Ms. SCHOLTEN. My second question is a little bit more district-specific. Grand Rapids is home to the Gerald R. Ford International Airport. It is one of the busiest 75 airports in the entire country, one of the first airports to return to pre-pandemic levels. We had record travel numbers in 2023, close to 4 million travelers through the terminal, up 6 percent from a previous record in 2019, and yet it has the oldest airport tower of all of the top 75 busiest.

Currently, there are no standards for how and when we replace these airport towers. I hope to change that through my bill, which was included in the FAA reauthorization, which we are hoping the Senate will act on any day now.

But the important thing is you don't need to wait for them to act. The FAA owns this tower, and the community cannot replace it until the FAA says so. Can you speak a little bit to the importance of infrastructure in ensuring safety around the country?

Mr. WHITAKER. I can. Infrastructure is a huge challenge. We have a lot of it at FAA, and a lot of it is really beyond its useful life, including, for example, all of the high-altitude control centers that are designed for no more than 50 years of service, and they are pushing 60 at this point. The funding for that has been a challenge over time, and maintenance falls behind.

So, I can certainly look into that particular instance that you have cited, but it is a problem throughout the NAS.

Ms. SCHOLTEN. Thank you, and we would be grateful for you having a look.

Mr. WHITAKER. Yes. Thanks.

Ms. SCHOLTEN. Thank you again for your testimony today.

Mr. WHITAKER. Thank you.

Mr. D'ESPOSITO. Thank you. I now recognize Mr. Collins for 5 minutes.

Mr. COLLINS. Thank you, Mr. Chairman.

Good to see you there, Administrator Whitaker, and I guess I want to kind of start out with—I mean, I have been running like crazy, so, I had to change hats for a second.

But I had the opportunity last year to go to the Atlanta airport. I am out of Georgia, and I visited the tower, the airport, and TRACON. So, we are down to just one more facility that we want to visit up there. And they are very impressive. So, I know you have got your work cut out for you.

And like so many agencies and so many hearings that I attend, I think one of the main themes that I get over and over again is how we have such a lack of modernization and antiquated—I don't care if it is software, hardware, whatever it is, it seems like the Federal Government just doesn't do anything to stay up to date or improve their technology.

So, last year, with NOTAM going down—and from my perspective, it looked like the Department of Transportation spent a lot of time on just changing the name of that acronym, instead of updating that 30-year-old software, which was where they should have had their focus. Can you tell me what steps you have taken since your confirmation to speed up the modernization of technology, where we are at on NOTAM, and what other specific systems you may have updated?

Mr. WHITAKER. So, I think one of the challenges that we have is, as we do modernize, we get stuck with a lot of legacy systems that are hard to take out of the airspace. Even some of the systems that were in place before we were born are still used. And sometimes it's the military that relies on those systems, and sometimes it's just folks that have been flying a long time. So, we end up supporting a huge amount of antiquated systems, and that impedes our ability to modernize.

There has been a lot of modernization over the past 10 or 15 years. What you would have seen in the TRACON and the center are new systems and, basically, a new platform for new technologies to make the system more efficient.

But there are over 1,000 systems that make up the airspace. Some of them are pretty old. And I think what we saw with the NOTAM is we really need to have the redundancies in place to make sure that, if there is a failure, it doesn't bring the whole system to a halt. So, we are very focused on the resiliency of that system.

And part of what I will be doing going forward is starting to have conversations about what the next phase of modernization is. I think the NextGen phase is over, and now we need to talk about how these new technologies, advanced air mobility, and drones are coming into the system, and how it's going to operate in the future.

Mr. COLLINS. All right. One of the other policies that I am focused on here in this committee is high-speed, high-altitude travel and civil aviation, as a matter of fact. And as a matter of fact, we got put into the FAA reauthorization an amendment that states that the FAA needs to come up with a study on how to certify new hypersonic engines.

And if you note, if you look at FAA—the European counterpart, EASA, they already have issued a roadmap for high-altitude operations for hypersonic and supersonic aircraft. So, can you tell us what, if anything, the FAA is doing to prepare similar guidance for American airspace?

And further, can you tell me what else the agency can do to ensure that American companies continue to lead in this innovative field?

Mr. WHITAKER. I don't have a specific answer on the high-altitude airspace, but it will be part of what we look at as we talk about the airspace of the future, and we will also look at what

EASA is doing and what other jurisdictions are doing so we don't have to reinvent the wheel.

But I think we need also our own comprehensive roadmap that integrates these new technologies and gives us a way to bring them on as quickly as possible while keeping that same level of safety that we all want.

Mr. COLLINS. My time is almost up, but I just wanted to make a last quick comment.

When I was at TRACON, they were about 40 percent down on air traffic controllers. We use a lot of veterans, and they are great people to put in those positions because they are very organized and very dedicated. And I would just caution you, it seems like we have made a move to get away from hiring people on qualifications, and hiring them on classifications.

Mr. WHITAKER. So, I can assure you that we hire everybody on qualifications. And I can also tell you that we have just recently put in changes to be much more flexible in how we hire out of the military, because we are able to hire from the military and put them directly into facilities. So, that's one area that we are really trying to open the pipeline on.

Mr. COLLINS. Thank you.

Thank you, Mr. Chair, and I yield back.

Mr. D'ESPOSITO. I now recognize Ms. Holmes Norton for 5 minutes.

Ms. NORTON. I thank the chair and ranking member for holding this hearing to learn more about the challenges the Federal Aviation Administration is currently facing and to emphasize the importance of passing a long-term FAA reauthorization bill soon.

Mr. Whitaker, as co-chair of the Quiet Skies Caucus and the Member who represents the District of Columbia, which is plagued by aviation noise, I have been fighting to reduce aviation noise in DC and across the country. While the safety of the aviation system must be the FAA's priority, the FAA needs to do much more to combat airplane and helicopter noise which will harm the health, quality of life, and the structural integrity of homes.

Last year, I got two provisions included in the House-passed FAA reauthorization bill to combat helicopter noise in DC. One of these provisions would require the FAA within 180 days to create and implement a helicopter noise-sharing mechanism for all helicopter operators in the National Capital region and to make the data collected accessible to the public online. This data would help us develop additional solutions to address helicopter noise.

My other provision would direct the Government Accountability Office to conduct a study of reducing helicopter noise in DC, almost all of which is generated by Government helicopters. This study would be required to consider the extent to which military operators consider operating over unpopulated areas outside of DC for training missions, the extent to which vehicles or aircraft other than helicopters could be used for emergency and law enforcement response, and the extent to which helicopter operators have assessed and addressed the noise impacts of various factors of operating helicopters, including altitude, the number of flights, flightpaths, time of day of flights, types of aircraft, operating procedures, and pilot training.

Mr. Whitaker, what, if any, steps is the FAA taking to reduce airplane and helicopter noise over populated areas like the District of Columbia?

Mr. WHITAKER. What I can say is in the past several years, they have made some improvements in that area. They have hired specific folks who are focused on community engagement and, in situations where airspace is being redesigned or where there are persistent noise issues, they will engage with organizations to have community meetings and understand the views of the citizens and see if there are actually real-time changes that can happen in the airspace to try to mitigate—

Ms. NORTON [interrupting]. Well, we certainly haven't heard it yet. It hasn't been felt here yet.

Mr. WHITAKER. Yes, I don't know the specifics of DC. I know that we are on a fairly tight footprint, and the approach paths are fairly limited by the restricted airspace. So, there probably aren't a lot of options beyond the north-south arrival and departure for DCA. So, that may be a limiter in this case.

Ms. NORTON. All right, thank you.

I yield back, Mr. Chairman.

Mr. D'ESPOSITO. Thank you very much, I now recognize Mr. Nehls for 5 minutes.

Mr. NEHLS. Thank you so much.

Understand here, Mr. Administrator, I am not on this subcommittee, so, they had to waive me on, so, I am the last one in line here. But hopefully, we can finish this. And I thank you so very much for your time. Obviously, this is very, very important to the industry. It really is. This legislation, obviously, has passed this House. It passed it overwhelmingly. And now it's sitting there over in the Senate.

I think we beat the dead horse on part 135. Everybody knows, the FAA knows that we have pilots flying around that are 67 years old, and these private aircraft with everybody else—with Delta, and we fire them at the age of 65. And that just doesn't make a whole lot of sense to me.

I find this letter that was issued just a day or so before the Senate markup of a bill that has lingered for over a year on a matter that has been repeatedly proposed over 4 years, a matter that—which you were asked specifically in hearings, you had a hearing before the Appropriations Committee just a few months ago, and you answered quite matter of factly about faithfully executing the legislation of Congress, and I think we agree with that. This is Congress' decision to make, and you will implement once it's passed. Correct?

All right. So, now it seems like this letter, which I believe is full of flaws, and I think we pointed those out—it seems to have some opposition to raising the age. If you read the letter, and you read between the lines, it appears that the FAA—that you, sir—are against raising this age, and that's just not true. You are not opposing it.

Mr. WHITAKER. My intent was not to oppose it. My intent was to identify the issues that we have identified during technical assistance, which is around international compliance—

Mr. NEHLS [interposing]. Sure.

Mr. WHITAKER [continuing]. And around data for what this means to raise—

Mr. NEHLS [interrupting]. Yes, sir. And I think that we have addressed all those issues with ICAO. When we raised the age from 60 to 65, all those issues got worked out. The gray on gray—remember all the gray on gray? ICAO did it. We obviously, had it here, and now we don't even have the gray on gray.

So, the point is I think about—looking at your background, you are a former pilot, and I think you are 62 years old. You are 62 years old, right? And I think you have a 5-year term, 5 years? Do you think that we should give you a cognitive test when you turn 65, before you finish your term? I do not believe that we should give you a test to make sure that you are all there, you got the cognitive—when you turn 65. I mean, we do it for the pilots. We do it. They get their EKGs, they get their physicals. I mean, that is a stringent process. We do it for them. Why shouldn't we do it for you?

Mr. WHITAKER. So, I think, with respect to regulating airmen and the safety of the NAS, the medical certification is there to protect people, so—

Mr. NEHLS [interposing]. I agree.

Mr. WHITAKER [continuing]. So—

Mr. NEHLS [interrupting]. And you agree we have the safest aviation record in the past 10 years. I mean, things are going very, very well, knowing that we passed legislation that allowed part 135 to fly to 67. We haven't any issues. Do you have any issues right there with part 135 right now, any concerns with that safety record?

Mr. WHITAKER. As I said earlier, I have not looked at that data.

Mr. NEHLS. Well, I will help you. There is no problem there. There is no problem. You've heard of Wheels Up? Do you know who that is? Delta's own little private version of their—right? I wonder how they would feel, the Delta CEO, if you start raising concerns about their safety as it relates to part 131.

Dave, in the audience, this guy right here, has been at Delta for 30 years, former Air Force spy plane pilot. He is 63½. America, we are going to fire this guy in 18 months. It's an arbitrary number. We just come up with it, 65, let's just fire him. He goes through all the testing, he does it all, but we are going to fire this man because of that age.

But yet, sir, you are out there touting a project to recruit retired, experienced military air traffic controllers, but an existing, fully qualified, and not-yet-retired pilot is somehow unsatisfactory.

Nobody in this hearing, my friend—I think Mr. Massie brought it up once—talked about retirement age today. Nobody brought it up because it passed this committee. It passed the House of Representatives overwhelmingly, and now it's over in the Senate. ALPA got beat over here, Ambrosi got beat. Now he is kind of through a train wreck, and trying to get you to confuse the other Members in the Senate with this letter, making it sound like this isn't safe.

All the data is there. The live environment testing is there. You can reach out to Japan, all these other countries. You know that we have pilots flying at 67, part 135. It's all there. All the data is

there. And ALPA—as a matter of fact, Ambrosi was served last night with a lawsuit, 2,500 ALPA union-paying members filed a lawsuit on Ambrosi for a breach—a breach of duty—for fair representation. Shame on him.

Let's get this done. And I think, sir, it is incumbent upon you to get some clarification as it relates to this letter before the Senate meets on Thursday. Would you be willing to do that for me, look at this letter?

Mr. WHITAKER. I am sorry. Would I be willing to do what?

Mr. NEHLS. Would you be willing to look at this letter and look at this, and try to say, hey, listen, there are some problems with this letter, it's not true?

Mr. WHITAKER. I think I have clarified the intent of the letter.

Mr. NEHLS. Very good. I appreciate that.

I yield back.

Mr. D'ESPOSITO. The gentleman yields. Are there any further questions from members of the committee who have not been recognized?

Seeing none, that concludes our hearing for today. I would like to thank the witness for his testimony. The committee stands adjourned.

[Whereupon, at 1:01 p.m., the subcommittee was adjourned.]

APPENDIX

QUESTIONS TO HON. MICHAEL WHITAKER, ADMINISTRATOR, FEDERAL AVIATION ADMINISTRATION, U.S. DEPARTMENT OF TRANSPORTATION, FROM HON. SAM GRAVES

Question 1. What quality metrics will Boeing have to meet in order for the Federal Aviation Administration (FAA) to allow them to increase their production rates of 737 MAX aircraft?

ANSWER. This past February, I directed Boeing to develop a comprehensive action plan within 90 days to address its systemic quality control and production issues. During the subsequent months, the FAA worked closely with Boeing as it developed their roadmap and plan for the path forward. This plan was required to incorporate the results of the FAA's special audit as well as the findings and recommendations from the expert review panel report required by Section 103 of the Aircraft Certification, Safety, and Accountability Act of 2020 (ACSAA). Boeing provided its comprehensive plan to the FAA on May 30, 2024, marking the beginning of the next chapter of ensuring implementation and a renewed focus on safety at Boeing.

Question 2. Please describe the agency's current telework posture. Can you detail what you expect it to look like at the end of this year?

ANSWER. The FAA's telework posture seeks to leverage the flexibilities and benefits of a workforce with telework opportunities while simultaneously balancing an in-office presence that meets the Agency's mission requirements and drives continuous improvement in organizational health and performance. In January 2024, we increased our in-office presence with the expectation that most employees would report to the office an average of four days per pay period. The Administrator committed to periodically reassess the Agency's posture to determine if any changes are needed.

Question 3. How is the agency ensuring sufficient on-the-job training and peer-education is occurring in all FAA offices while using telework agreements?

ANSWER. Training managers and supervisors on telework has been a longstanding practice at the FAA. Most recently, we have focused our efforts on ensuring success in a hybrid work environment through enhanced training and performance management initiatives. We incorporated hybrid performance management learning into the end-of-year FY23 assessment process and shared best practices across the organization on employee development and engagement. We have also developed and launched *Managing Hybrid Teams* and *Leading Organizational Change* trainings for managers, and a comprehensive Future of In-Person Work webpage to provide resources for employees and managers.

Question 4.a. You have worked for the FAA more than once and spent time in industry. Can you describe the benefit of seeing both sides and gaining exposure to being regulated and being the regulator when it comes to aviation safety?

ANSWER. This question reminds me of my decision to become a general aviation pilot while at the FAA. It is one thing to read about planes and the procedures for takeoff and landing, it is an entirely different thing to be behind the flight deck; I have seen what works well and what does not—up close. It is the same with having a multi-sector approach to aviation. I am better able to lead the agency because I understand the concerns from the perspective of the regulator and industry, allowing me to build more bridges toward understanding aviation safety more broadly and devising effective solutions.

Question 4.b. Does the agency offer or take advantage of opportunities for exposing FAA staff to the operations of regulated entities? Does the FAA have any mechanisms to do so? If so, please describe.

ANSWER. Yes. In the Aircraft Certification Service (AIR), engineers and inspectors are provided real-time, on-site experience. These efforts facilitate on-site immersion with a wide range of applicants dealing with various products and components, fostering a deeper comprehension of the diverse stakeholders engaged with the AIR organization.

Flight Standards (FS) also supports its employees interacting with regulated entities within budget limitations. FS employees attend and support industry educational events and industry events promoting aviation where Aviation Safety Inspectors hear and see firsthand applications of our policy decisions. FAA inspectors, pilots, and other employees conduct oversight from the aircraft jumpseat during operations of transport aircraft, perform ramp inspections during ground operations, and observe and interact with certificate holders such as 145 maintenance organizations on-site at their facilities, among others. Certain offices have budgeted resources to allow employees to meet with stakeholders for on-the-job training to get better familiarization with their operations.

Question 5.a. What are the current guidelines for FAA employee travel?

ANSWER. The FAA Travel Policy, Version 2, Effective November 1, 2016, establishes the agency's policies for official travel and relocation for FAA employees.

Question 5.b. Does the agency encourage its inspectors, engineers, subject matter experts, managers, and others to travel and visit regulated entities in order to collaborate, share, and discuss? Both at the regional and headquarters level?

ANSWER. Yes. FAA employees (managers, inspectors, engineers, and subject matter experts) regularly interact with regulated entities, including various types of inspections, surveillance activities, and meetings. For example, Aviation Safety Inspectors regularly attend Certificate Holders' Maintenance Review Boards, Safety Review Boards, and Continuing Analysis and Surveillance System data review meetings. Additionally, FS Managers, Deputy Directors, and Directors meet periodically with Certificate Holder Senior Leadership during a variety of meetings, including visits to the Certificate Holder's facilities.

Question 5.c. Does the FAA limit travel of its personnel?

ANSWER. Travel is limited to the performance of official business.

Question 6.a. Having served as FAA's Chief NextGen Officer previously, what are your general thoughts on the successes and failures of the program?

ANSWER. NextGen was always an ambitious endeavor, based on the Joint Planning and Development Office's (JPDO) NextGen Concept of Operations (ConOps) vision of a technologically advanced NAS and user community. This vision was based on an understanding of what the needs would be 15–20 years in the future as well as what the technology of that future time would enable. As such, NextGen made numerous important leaps forward (e.g., ERAM, SWIM, DataComm, ADS-B Out, RNAV/RNP, etc.,) and misjudged the pace of some of the technological advancements that would enable new capabilities (e.g., NAS Voice Switch). Nonetheless, we adapted our vision to embrace new entrants that were not a part of the original vision, such as allowing for the integration of exponential growth in the civilian drone community alongside commercial space enterprises at a pace that was not even considered possible 15 years ago.

Question 6.b. Do you agree the agency should begin to look beyond the NextGen brand for what is next?

ANSWER. According to the JPDO CONOPS (2010), NextGen was planned to be a long-term project. It aimed to consistently improve by adding new features to a modern framework, incorporating new technologies, and addressing new mission requirements. Now, we have reached a point where it makes sense to shift toward a new vision for the National Airspace System (NAS). Looking ahead, the future NAS will continue to build upon the progress of NextGen. However, it will also focus on researching, designing, and constructing a system that goes beyond what was originally imagined for NextGen, and implementing the NextGen transition envisioned by Section 206 of the FAA Reauthorization Act of 2024.

Question 7. Please provide an update on all awards that have been made and funds disbursed under the Airport Investment Partnership Program since 2018. Additionally, please provide a status update on all airports currently working with the FAA under this program, including a timeline for approval for each project, and clarify which office at the FAA is ultimately responsible for approving Benefit Cost Analysis.

ANSWER. In 2022, the FAA awarded a grant to Avon Park Executive Airport (AVO) in Avon Park, Florida to help evaluate the feasibility of participating in the

AIPP. The grant was for \$432,000 and the FAA has disbursed more than \$359,000 of the award.

The following airports are currently working with the FAA under the Airport Investment Partnership Program (AIPP):

- *San Juan, Puerto Rico, Luis Munoz Marin International Airport* is owned by the Puerto Rico Ports Authority (PRPA). PRPA filed its preliminary application on December 1, 2009. The FAA approved PRPA's final application in a Record of Decision on February 25, 2013. Aerostar Airport Holdings is operating the airport under a 40-year agreement with PRPA.
- *Hendry County, Florida, Airglades Airport* is a general aviation airport in Clewiston, Florida. Hendry County owns and operates the airport. The FAA approved Hendry County's preliminary application on October 18, 2010. Hendry County and Airglades Airport, LLC submitted a final application on August 8, 2019. The FAA issued the Record of Decision on September 30, 2019. The FAA has issued three extensions to allow the airport to come to a financial close, with the last extension ending on April 22, 2024.
- *Avon Park, Florida* submitted their preliminary AIPP application on March 23, 2023. FAA issued a Federal Register notice asking for comments on September 22, 2023. The comment period ended November 21, 2023. FAA is developing the Record of Decision.

The Office of Airports works closely with the FAA's Office of Policies and Plans to review the submitted Benefit Cost Analysis (BCA), and assesses whether the societal benefits (appropriately measured by the applicant) would exceed the total cost of the project. The Office of Airports is responsible for all aspects of the Airport Improvement Plan/Letter Of Intent program which includes a review of the BCA.

QUESTIONS TO HON. MICHAEL WHITAKER, ADMINISTRATOR, FEDERAL AVIATION ADMINISTRATION, U.S. DEPARTMENT OF TRANSPORTATION, FROM HON. GARRET GRAVES

Question 1. How is the Federal Aviation Administration (FAA) enabling industry and the public to capitalize on automation technologies that improve safety, including working with industry and other stakeholders to update and improve any regulations as needed?

ANSWER:

Rulemaking—The FAA recognizes that companies, communities, and industrial sectors are eager to take full advantage of emerging technologies in aviation. To ensure that the FAA can safely meet these demands, the FAA often seeks advice and recommendations from industry and the public on issues that could result in rulemaking from aviation rulemaking committees and advisory committees. Aviation rulemaking committees assist the FAA with obtaining a thorough understanding of the problem being addressed by gathering information and data to thoroughly evaluate the technical implications and cost impact of the action under consideration to form recommendations. Similarly, advisory committees subject to the Federal Advisory Committee Act provide the FAA with information, advice, and recommendations concerning rulemaking activity on topics such as aircraft operations, airman and air agency certification, airworthiness standards and certification, airports, maintenance, noise, and training.

Automation Efforts—The FAA is an active partner in the evaluation and assessment of new automation technologies with various international Civil Aviation Authorities, the International Civil Aviation Organization, and the European Union Aviation Safety Agency. This supports the FAA's goal to set forth a unified and strategic approach to foster global collaboration on safety oversight, enhance safety assurance, support technological innovation, and streamline recognition of bilateral agreements.

The FAA also works with government and industry-collaborative organizations to learn about new aviation safety technologies, typically well before they become available for deployment. Many of these new technologies bring focused, assistive automation to aircraft and crewmembers. Automation can improve the accuracy and consistency of decision-making and results, reduce flight deck workload to prevent or cope with unusual conditions, and enable air traffic to flow more efficiently and at a higher capacity. The FAA's actions take various forms to enable safe and effective use of automation. Where appropriate, we develop guidance and minimum performance standards for automated functions and undertake certification and operational rulemaking that enables and encourages the further use of automation.

For example, to improve safety and situational awareness on the airport surface, the FAA has issued guidance (Advisory Circular: 150/5220-26) [https://www.faa.gov/documentLibrary/media/Advisory_Circular/150_5220_26_change_3_consolidated.pdf] encouraging airports with Airport Surface Equipment, Model X (ASDE-X), and Airport Surface Surveillance Capability (ASSC) to voluntarily equip their vehicles that regularly operate in the airport movement area with Vehicle Movement Area Transmitters (VMATs), which use an ADS-B transmitter to broadcast a position which is received by various ATC ground stations and aircraft on or near the airport and presented on an ATC or vehicle display. Since 2013, the FAA has made available grants to airports that cover 75 percent of the purchase and installation cost of VMATs, for the first 75 units installed. Because of the specialized nature of this equipment, installation costs are typically between \$6,000–\$8,000 per unit. As of April 2024, 33 airports have equipped all or a portion of their vehicle fleets, totaling 2,102 equipped vehicles. There are airports (e.g., SFO) that have voluntarily agreed to require that all vehicles in the movement area be equipped with VMATs. These technologies coupled with infrastructure improvements under our Runway Incursion Mitigation (RIM) program ensure that we have a multi-pronged approach to improving surface safety. As of April 2024, 103 RIM locations have undergone site-specific enhancements including taxiway reconfigurations and changes to lighting, signage, and markings. The RIM program has achieved an approximate 69 percent overall reduction of incursions at locations with RIM mitigation.

Question 2. What is the FAA doing around human factors to better understand the benefits of automation aviation technologies, for the purpose of informing regulatory efforts and risk determinations?

ANSWER. The FAA is actively integrating human factors considerations into aviation safety oversight efforts to inform regulatory decisions and mitigate risks associated with automated aviation technologies. Human factors experts in the FAA with a focus on operations or maintenance are informing the development of guidance and policy to integrate human factors seamlessly into our processes, fostering a robust and adaptive aviation safety environment. For example, in compliance with the Aircraft Certification, Safety, and Accountability Act, we are currently updating FAA Order 8900.1, *Flight Standards Information Management System (FSIMS)*, to develop sections on Human Factors and the Aircraft Evaluation Division Human Factors roles and responsibilities to ensure a unified approach in operational evaluations.

Additionally, the FAA is funding multiple lines of research on the benefits and potential human factors vulnerabilities involved with the design and operation of advanced automation. For example, one research study is investigating the impact of automated system behavior, logic, and limits on pilot performance. Other research is analyzing operations and safety data to understand the impact of control and information automation on accidents and incidents. The results of the research will inform FAA policy and guidance material on how to evaluate these proposed automated systems for safe implementation. The FAA is also requiring aircraft type certification applicants to document any assumptions related to human factors as part of their system safety analysis and to identify pilot training requirements.

Another example of FAA-funded automation research provided data on leveraging automation benefits and risks. The results were considered in the development of FAA Advisory Circular 120-123 Flightpath Management (11/2022), which includes guidance for pilot training and operations to fully benefit from automated systems.

Finally, the FAA chairs the Automation Working Group, under the ICAO Personnel Training and Licensing Panel, which provides international leadership on leveraging advanced automation.

Question 3. With the evolution of automation technology, how is the FAA working with industry to ensure that pilots and other stakeholders are adequately trained and prepared to interact with and manage these helpful advanced assistive technologies?

ANSWER. The FAA continues to work closely with industry stakeholders, including manufacturers, operators, and training providers to ensure pilots and other stakeholders are well-equipped to effectively interact with and manage aircraft systems that employ advanced automation technologies. By fostering a collaborative and open dialogue with industry stakeholders, the FAA has demonstrated its ability to stay ahead of the technological curve and ensure the efficient integration of these technologies, while also prioritizing aviation safety in the aviation industry.

The FAA utilizes the Flight Standardization Board to determine the requirements for pilot type ratings, to develop minimum training recommendations, and to ensure initial flight crew member competency. The board's activity culminates in a Flight

Standardization Board Report (FSBR). The FAA provides an FSBR for certain entrant aircraft, which creates the initial pilot training baseline. The FSBR is reviewed for modifications to the aircraft throughout its lifecycle, which helps to ensure pilots and crewmembers are aware of and trained on new aircraft operations. Furthermore, we require the pilot training program for each air carrier to be FAA-approved to ensure it is robust and appropriate to the operator's area of operations and the technology used with their aircraft. The aircraft manufacturers must develop maintenance instructions before the aircraft receives FAA certification, and then those instructions are used to train aircraft technicians. This is an established process that ensures that the technicians or repair facilities have the correct instructions to appropriately maintain the new entrant aircraft. The FAA is also collaborating with industry in an ASTM workgroup with the goal of developing a new specification for the "Standard Guide for Advanced Air Mobility Maintenance Technician Qualification".

Question 4. Is the FAA properly staffed and resourced to ensure effective aircraft production oversight, including in its Integrated Certificate Management Division?

ANSWER. The FAA has been staffed based on historical models and assumptions regarding oversight of approximately 1,500 FAA production approval holders, including those overseen by our Integrated Certificate Management Division. However, the FAA is seeing a need for additional Aviation Safety Inspectors (ASI) and Aviation Safety Engineers (ASE) to achieve an increased presence and engagement with our production approval holders and their suppliers to account for changes across the industry, including significant staffing turnover industry-wide over the last few years. These ASI and ASE resources will also position us to conduct expanded oversight as these manufacturers adapt their systems to incorporate safety management systems, consistent with part 5 of title 14 Code of Federal Regulations.

Question 5. What inefficiencies have you noticed in the Administration since becoming Administrator? From your perspective, how do you propose we improve such inefficiencies?

ANSWER. We recognize some of our internal FAA information systems use older technology, and we see opportunities to capture efficiencies if we could modernize our computer infrastructure. The key is to identify work we could do faster, with fewer steps, and identify the modern technology that can support it.

We need to streamline our hiring to get new hires onboard, and get them trained for their new jobs, to help us meet our mission.

Question 6. How is the FAA addressing workforce challenges, particularly in terms of acquiring and maintaining the expertise necessary for certifying new technologies, such as unmanned aircraft systems and advanced air mobility technology?

ANSWER. In my role as the FAA Administrator, I like to look at myself as the Chief Recruitment Officer of the FAA. Part of that is looking at both the short-term and long-term approaches to making the agency a workplace of choice. Our short-term approaches to address the agency's immediate need include our robust Minority Serving Institution Internship Program, and active engagement at job fairs, veteran partnerships, and social media. We are also looking for new talent at air shows, industry conferences, technical schools, and more. Additionally, our Technical Operations Gateways Internship Program gives college students six months of paid, hands-on developmental assignments and the opportunity to learn about the national airspace system that can lead to full-time FAA jobs upon graduation.

To increase the pipeline of new air traffic controllers, we are working with colleges and universities in the Air Traffic-Collegiate Training Initiative (AT-CTI) to expand their curriculums so that AT-CTI schools can offer training that is equivalent to the FAA Academy. Once implemented, graduates of the FAA-approved AT-CTI programs will still need to pass the Air Traffic Skills Assessment exam, be selected for employment by the FAA, and meet medical and security requirements. If hired as trainees, these graduates will be able to move directly to on-the-job training at the start of their employment instead of attending the FAA Air Traffic Controller Academy before being assigned to a facility as required today.

For the longer-term, we are meeting young people where they are to get them excited about an aviation career. We have an Adopt-A-School Program where we connect with fourth graders about STEM. And, we are capturing the interest of gamers with our Airport Design Challenge, which engages kids in kindergarten through 12th grade by using Minecraft video games to design airports. For high school students, the FAA's workforce development grants aim to develop future pilots and aviation maintenance technicians.

Additionally, the FAA's Aviation Safety (AVS) organization pursues a multi-pronged approach to acquire and maintain the expertise necessary for certifying new technologies. The following are examples of the various efforts:

- The Aircraft Certification Service is focused on identifying emerging technical areas and specialties where new technologies are likely to be certified and operationalized, and where the FAA needs to expand or develop technical expertise to support this growth.
- The FAA's Chief Scientific and Technical Advisors Program actively recruits individuals who have expertise relevant to emerging technologies.
- The FAA uses authorities such as On-the-Spot and direct hiring for Engineers and Operations Aviation Safety Inspectors (ASIs).
- We provide incentives such as leave enhancements (included in job announcements), new hire salary flexibilities, telework options, and degree completion programs. Specifically for Operations ASIs, AVS offers incentives including higher entry-level employee salaries (within the same grade); \$10,000 relocation incentive (with a 1-year service agreement) offered to applicants moving more than 100 miles to their new duty location; and a \$25,000 recruitment incentive (with a 3-year service agreement) to Operations ASIs who accept hard-to-fill positions.
- The FAA Reauthorization Act of 2018 addressed drone workforce challenges by implementing an Unmanned Aircraft System (UAS)-Collegiate Training Initiative (CTI) program to ensure that graduates are prepared for growth in commercial UAS. Additionally, the FAA works closely with our Center of Excellence for UAS Research Alliance for System Safety of UAS through Research Excellence (ASSURE) program and with the FAA UAS test sites to promote STEM and inform the certification and advancement of new technologies. The UAS-CTI currently has 136 participating 4-year, 2-year, and technical colleges and universities, and continues to grow.

Question 7.a. Where is the FAA on the certification of powered-lift aircraft currently under consideration at the agency?

ANSWER. The FAA has published the final airworthiness criteria for the Joby Model JAS4-1 and the Archer Model M0001 powered-lift aircraft. Additionally, the FAA released Advisory Circular (AC) 21.17-4 Type Certification—Powered-lift on June 10, 2024. This AC offers guidance that will form the foundation for establishing certification criteria for electric vertical take-off and landing (eVTOL) vehicles. We will continue to publish airworthiness criteria and guidance for other powered-lift applicants to progress in the Advanced Air Mobility industry.

Question 7.b. When can we expect the first powered-lift aircraft to be certified?

ANSWER. Some powered-lift applicants project their aircraft to be certified in 2025, however, there are still important certification milestones for them to achieve prior to certification.

Question 7.c. Have the FAA and the European Aviation Safety Agency (EASA) come to a final, or at least an interim, conclusion on where there will be harmonization on powered-lift certification and where there will be differences whether those differences allow for cross-country validation or not?

Question 7.c.i. If so, please describe the conclusion.

Question 7.c.ii. If not, please describe why a conclusion, whether final or interim, has not been reached.

ANSWER to 7.c., 7.c.i., & 7.c.ii. In June, the FAA released Advisory Circular (AC) 21.17-4 Type Certification—Powered-lift on June 10, 2024. This AC offers broad guidance that will form the foundation for establishing certification criteria for electric vertical take-off and landing (eVTOL) vehicles. The European Union Aviation Safety Agency (EASA) also updated their special condition for vertical take-off and landing (SC-VTOL) reflecting agreements made with the FAA in areas of performance requirements, including safe flight and landing, handling qualities, and single point failures. The FAA and EASA will continue to work together, where possible, to harmonize their certification requirements. We recognize, however, that the United States and the European Union have different operational constructs, which affect harmonization.

We expect more conducive coordination with EASA upon publication of the final Special Federal Aviation Regulation (SFAR), Integration of Powered-Lift: Pilot Certification and Operations; Miscellaneous Amendments Related to Rotorcraft and Airplanes. In the past, when the FAA has found that it lacks sufficient experience regarding new operations, the use of an SFAR has been an effective way to gain such experience while enabling some degree of limited operations. Such SFARs have typically temporarily enacted conservative safety approaches to enabling operations, al-

lowing both the FAA and industry to observe those operations and then subsequently make safety improvements in a later permanent change to the regulations. In the powered-lift proposed rulemaking, the FAA stated that the purpose of the SFAR is to facilitate powered-lift operations and permit the FAA to gather data and better understand what a comprehensive permanent regulatory framework should look like. The agency anticipates it will subsequently develop permanent powered-lift regulations to safely enable powered-lift operations by working with industry and international partners. These efforts are performed in parallel with the FAA's international partners' efforts and in alignment with international safety requirements. This is an ongoing project and relies on data-gathering processes to develop more permanent regulations.

Question 8. As aviation products become more reliant on software updates versus hardware, is the FAA prepared to deal with iterative software changes through amended type certificates and supplemental type certificates? If so, please describe the FAA's preparations.

ANSWER. Yes. The FAA has been dealing with iterative software changes to aircraft systems for several decades through the type certification process, including type certificates, amended type certificates, and supplemental type certificates, as well as through the Technical Standard Order process. We have Advisory Circulars (ACs) written for design approval holders that provide detailed guidance for modifying software used in airborne systems and equipment. It is important to note that the most recent ACs are fully harmonized with EASA and were developed in collaboration with U.S. and European industry (reference FAA AC 20-115D, *Airborne Software Development Assurance Using EUROCAE ED-12()* and RTCA DO-178(), and AC 00-69, *Best Practices for Airborne Software Development Assurance Using EUROCAE ED-12()* and RTCA DO-178()).

Question 9.a. What is the status of the FAA's special Federal aviation regulation (SFAR) for powered-lift aircraft operations and piloting?

ANSWER. On June 14, 2023, the FAA published the Notice of Proposed Rulemaking (NPRM), "Integration of Powered-Lift: Pilot Certification and Operations; Miscellaneous Amendments Related to Rotorcraft and Airplanes" for public comment. Since the close of the comment period, the FAA has committed to draft a final rule which is now under review by the Office of Management and Budget (OMB). The FAA looks forward to publishing this rule once OMB and interagency review has concluded.

Question 9.b. Has the FAA received any consistent concerns from powered-lift manufacturers and/or potential operators on the draft SFAR? Please summarize those concerns.

ANSWER. Overall, the majority of commenters expressed general support for the FAA's approach to integrating powered-lift into the national airspace system through expeditious rulemaking. However, they also recommended a number of revisions to the FAA's proposal that they believed would provide greater ability to quickly and safely integrate powered-lift into the national airspace system. The following provides a high-level overview of key issues raised by commenters.

- *Alignment with International Civil Aviation Organization (ICAO) requirements for powered-lift airman certification category:* Commenters requested the FAA align its requirements with transitional measures in ICAO Annex 1 which allows for a powered-lift type rating on an existing commercial pilot certificate with an airplane category or helicopter class rating (i.e., no powered-lift category rating).
- *Aircraft dual controls requirement:* Commenters sought facilitation of flight training and supervised operating experience in a powered-lift with a single functioning control and a single pilot station, specifically requesting: (1) no requirement for dual controls regardless of how the powered-lift will be used; (2) 100 percent simulator training, which would relieve any requirement for dual controls/in-aircraft training; and (3) non-traditional methods to accomplish supervised operating experience. However, EASA's comment supported the FAA's current requirement for a flight instructor to have access to flight controls while providing instruction. EASA noted that it considers a single center flight control accessible to both the student and flight instructor to meet the intent of having dual controls/access.
- *Amount of flight simulation training device time allowed for a powered-lift rating:* Commenters requested the use of a flight training device instead of a full flight simulator, including the use of a flight training device to perform all 50 hours of pilot-in-command flight time required for a commercial pilot certificate with a powered-lift category rating.

- *Visual flight rules (VFR) and instrument flight rules (IFR) Fuel requirements:* Commenters requested different variations of 2 themes: (1) performance-based fuel reserves, and (2) use of fuel requirements specified for helicopters. Several commenters noted that powered-lift incorporating innovative power sources could offer greater operational capability if they were able to use energy reserves lower than those currently prescribed for airplanes or helicopters. Other commenters suggested applying helicopter fuel requirements to powered-lift, asserting that powered-lift, like helicopters, have the maneuverability and operational flexibility to land in more varied locations.
- *Visibility Requirements:* Commenters requested to utilize the helicopter provisions existing in the regulations, as well as the adoption of a performance-based approach. Several commenters suggested applying helicopter weather minima rather than the airplane requirements. Furthermore, several commenters contended that since powered-lift could operate at speeds and maneuverability comparable to helicopters, they should be permitted to use the visibility requirements prescribed for helicopters or a performance-based visibility requirement.
- *Minimum Safe Altitudes for operations conducted under parts 91 and 135:* Commenters requested: (1) the use of VFR minimum altitudes specified for helicopters, and (2) performance-based minimum safe altitudes. Commenters suggested the FAA consider the operational capabilities of powered-lift, which are able to operate at low speeds and have maneuverability similar to helicopters, and therefore apply the VFR minimum altitudes prescribed for helicopters. Commenters also suggested the FAA permit a performance-based approach when applying VFR minimum altitude requirements to powered-lift.

Question 10. What is the FAA doing to ensure the agency is ready to fully implement the FAA reauthorization bill when it is enacted into law?

ANSWER. Prior to enactment, the FAA studied the House and Senate bills to understand the actions that may be required, identified resources and funding that could be used to fulfill those requirements, and started building out project timelines and staffing needs. Immediately following enactment, the agency began implementing the new requirements and has achieved many of the milestones required in the first 120 days.

Question 11. The House-passed FAA bill and the Senate's proposed bill both include language to help veterans more seamlessly transition their aeronautical skills and certifications to the civil sector. Is the FAA willing to work with Congress to identify any barriers that veterans face in getting an aviation job commensurate with their skills when transitioning from military service to civilian life?

ANSWER. The FAA is proud of our support for veterans, who make up nearly 36 percent of our workforce. We utilize a variety of hiring flexibilities to transition veterans into civil service including direct hire authority for veterans and military spouses, as well as providing a pathway for military air traffic controllers to apply for FAA Air Traffic Control Specialist positions through an experienced controllers' bid. We are willing to work with Congress to identify barriers that veterans face in transitioning from military service to civil service.

Question 12. How many and which airports regulated by the FAA currently host temporary or permanent shelters for illegal immigrants or other persons?

ANSWER. In June 2023, the FAA received for review and approval a draft *License Agreement for the Temporary Use of Building Number 197 at John F. Kennedy International Airport* (Agreement) between the Port Authority of New York and New Jersey (Port) and the City of New York (City). The proposed use of Building 197 for asylum services was to acclimate each asylum seeker for several days, not for long-term residency, at the City's sole cost and expense. The FAA approved the Agreement by letter on June 3, 2023, under a limited community use exception that requires that: (a) the property is not currently needed for aeronautical use; there is minimal revenue potential; and the community use will not impact the aeronautical use of the airport. This agreement expired on September 30, 2023. However, the Port requested additional time to use the facility on September 25, 2023. The FAA approved this request, extending the agreement to use the facility through March 31, 2024. The Port requested an additional extension through December 31, 2024. The FAA approved this extension conditioned on the Port certifying its compliance with all federal grant assurances, providing upon request FAA access to Building 197 for inspection, terminating the use of Building 197 as a temporary shelter at the expiration of the extension, and furnishing plans acceptable to the FAA for the future non-shelter/non-residential use of Building 197.

On October 17, 2023, the Chicago Department of Aviation (CDA) sent a letter to the FAA Director of the Office of Airport Compliance detailing the use of Chicago

O'Hare International (ORD) to accommodate asylum seekers arriving by air and bus transportation. The letter also confirmed that Chicago Midway International (MDW) airport facilities were not being used for this purpose. On December 15, 2023, the Associate Administrator for Airports sent a letter requesting the status of migrant sheltering operations at ORD and MDW, to include a plan to minimize overnight sheltering activities and to wind down the use of airport facilities for these purposes. CDA confirmed again in January 2024 that MDW was never used for this purpose. As of April 9, 2024, CDA confirmed that the migrant staging areas in the ORD shuttle bus facility have been fully decommissioned and are no longer needed or used for migrant processing purposes.

Question 13. Has the FAA received or granted any request from an airport or a local, state, or Federal agency between January 20, 2021, and today to temporarily use aeronautical facilities for purposes of hosting a migrant shelter? If so, which? Has the FAA denied any?

ANSWER. The FAA has not received any request from an airport or local, state, or Federal agency to temporarily use aeronautical facilities to host a migrant shelter between January 20, 2021, and today. The JFK scenario detailed in response to Question 12 involved the use of a non-aeronautical warehouse with no access to aeronautical/airfield facilities.

Question 14. To what extent has the Department of Homeland Security (DHS) consulted with the FAA about the appropriateness of proposing to house migrants at airports? If DHS has consulted with the FAA, what has been the FAA's response?

ANSWER. At this time, the FAA is unable to find any records of communication between the FAA and the Department of Homeland Security regarding the appropriateness of housing migrants at airports.

Question 15. What analysis, if any, or assessment of the DHS housing plan or any other instance of airport migrant housing has been conducted by the FAA in accordance with FAA's Safety Risk Management Policy (Order 8040.4B)?

ANSWER. The FAA has no knowledge of a DHS plan to use airports to house migrants and therefore has not conducted an analysis or assessment. Order 8040.4B provides a risk management policy for FAA lines of business to follow when hazards, risks, and associated safety analyses affect multiple FAA lines of business. The FAA is unaware of any on-airport migrant housing scenario impacting airport safety or multiple FAA lines of business.

QUESTIONS TO HON. MICHAEL WHITAKER, ADMINISTRATOR, FEDERAL AVIATION ADMINISTRATION, U.S. DEPARTMENT OF TRANSPORTATION, FROM HON. STEVE COHEN

Cockpit Voice Recorders

Question 1. The FAA has not yet met the recommendations of the National Transportation Safety Board (NTSB) regarding Cockpit Voice Recorders (CVRs) in commercial aircraft, resulting in "unacceptable" status per the NTSB. The current NPRM increases CVR time from 2 hours to 25 hours for newly manufactured aircraft, which only partially satisfies the NTSB's recommendations.

Question 1.a. Why doesn't the NPRM cover existing aircraft?

ANSWER. The FAA considers many variables when scoping a regulation change, such as considering the economic impact on the industry and the flying public weighed against the benefits provided. In some cases, the cost is easily justified, such as in the case of large commercial aircraft operating long-haul flights where nothing more than the replacement of memory modules in existing CVRs is required. However, it is much more difficult to justify on aircraft that would require an entirely new recorder system to be certified and installed, or on smaller aircraft such as business jets that fly relatively short flights where 25 hours of recording duration provides little benefit. While developing the 25-hour CVR rule, we determined the economic impact on operators to retrofit all aircraft currently required to be equipped with a CVR was substantially greater than the impact of installing only on newly built aircraft, which could not be economically justified in the regulatory evaluation process. The addition of a 25-hour CVR versus a 2-hour CVR has almost no noticeable impact on the cost of a newly built aircraft, whereas retrofit of entire existing fleets places a substantial economic burden on aircraft owners/operators. However, Section 366 of the FAA Reauthorization Act of 2024 includes a self-executing requirement for certain existing aircraft to retrofit with a 25-hour CVR. This requirement takes effect in 2030.

Question 1.b. Moreover, the current CVR NPRM also does not mention underwater recovery efforts. What plans does the FAA have to address these outstanding items?

ANSWER. Underwater recovery efforts are being examined by the Investigative Technologies Aviation Rulemaking Committee (ARC). The ARC includes industry experts to review the current state of several investigative technologies and related National Transportation Safety Board recommendations, including improving the recovery of flight data (Flight Data Recorder and Cockpit Voice Recorder) from aircraft involved in overwater accidents.

QUESTIONS TO HON. MICHAEL WHITAKER, ADMINISTRATOR, FEDERAL AVIATION ADMINISTRATION, U.S. DEPARTMENT OF TRANSPORTATION, FROM HON. GREG STANTON

Question 1. Aviation is crucially important to my home state of Arizona. Sky Harbor Airport in Phoenix is one of the busiest airports in the world—more than 48.8 million travelers passed through Sky Harbor last year. However, the community has historically experienced significant challenges navigating FAA-imposed flight path changes. It is my understanding that the FAA is currently working with Sky Harbor and the surrounding communities to study potential changes to some of the flight paths in the airspace.

Mr. Whitaker, can you briefly explain how the FAA involves the public in these decisions, and can you specifically explain how the FAA typically engages local community leaders, tribal leaders, and local elected officials in this decision-making process? And do you commit to working with the community to conduct a comprehensive outreach and engagement process? And do you have a status update on your end on this specific process?

ANSWER. The FAA is committed to and continues to work closely with airport officials, tribal leaders, and city and community leaders on how to best implement changes to aviation procedures. The FAA is also committed to a transparent process that involves collaboration with airports and other aviation stakeholders, and is committed to communication and status updates for elected officials and members of the community.

The FAA is proposing to implement new satellite-based air traffic procedures, as well as updates to the existing satellite-based air traffic procedures, that will help enhance safety and improve air traffic efficiency at the Phoenix Sky Harbor International Airport (PHX). These procedures are known as Performance Based Navigation (PBN). The PHX Performance Based Navigation (PBN) workgroup is made up of FAA technical subject matter experts, representatives from the local Airport, and other key aviation stakeholders. This group starts from the purpose and need statement to address the challenges and constraints of the airspace and work collaboratively to develop modernized satellite-based procedures that increase the safety and efficiency of the airspace.

The FAA ensures compliance with the National Environmental Policy Act (NEPA) and exceeds the requirements for public engagement required by NEPA through its Enhanced Community Engagement policy. The FAA's Enhanced Community Engagement policy requires public engagement throughout the project lifespan. Consistent with the FAA Community Engagement effort, in the preliminary phase of a project where changes over communities are being discussed, the FAA engages with Airport Leadership and community leaders to ensure awareness of the project and allow them an opportunity to bring specific community concerns or historic noise issues to the relevant workgroup. These concerns are brought to the Design Kickoff Meeting, and when there is a mature product the FAA will engage with communities around the airport to gain comments on any draft proposals during the required environmental review process. The FAA has been posting updates on our Phoenix community engagement webpage: https://www.faa.gov/air_traffic/community_engagement/phx/.

QUESTIONS TO HON. MICHAEL WHITAKER, ADMINISTRATOR, FEDERAL AVIATION ADMINISTRATION, U.S. DEPARTMENT OF TRANSPORTATION, FROM HON. DINA TITUS

Question 1. The number of reported unruly passenger cases has thankfully dropped from nearly 6,000 in 2021. The number is still high, however. Last year there were 2,075 unruly passenger reports, which is a nearly 80% increase over 2019.

What is the FAA doing to reduce the number of incidents and impress on the flying public that not only is it morally wrong to assault flight crew but it's also illegal?

ANSWER. The number of reported unruly cases has declined each year since the FAA implemented its “zero-tolerance policy in 2021, and we anticipate that trend to continue. Dangerous passengers put everyone at risk. Threatening or violent behavior can distract and disrupt crewmembers from their primary responsibility—to ensure the safety of all passengers. Accordingly, the FAA continually maintains the zero-tolerance policy at the forefront of the FAA’s public-facing communications, warning air travelers about the consequences of unruly behavior through our social media channels and earned media.

As background, on January 13, 2021, the FAA published Compliance and Enforcement (C&E) Bulletin 2021-1 [https://www.faa.gov/sites/faa.gov/files/2021-08/Order2150.3C_CHG%204.pdf], which announced a Special Emphasis Enforcement Program (SEEP) to address the proliferation of unruly passenger conduct onboard U.S.-registered aircraft. On March 31, 2021, the FAA published Compliance & Enforcement Bulletin 2021-3 [https://www.faa.gov/documentLibrary/media/Order/FAA_Order_2150.3C_CHG_6.pdf], which extended the SEEP indefinitely. These actions implement the FAA’s policy for zero tolerance for unruly passenger behavior. Under this policy, when a passenger engages in dangerous unruly conduct aboard a commercial flight, the FAA pursues legal enforcement action against any passenger who assaults, threatens, intimidates, or interferes with airline crewmembers, and can propose civil penalties up to \$43,658 per violation. Additional actions the FAA has taken in furtherance of the zero-tolerance policy include referring the most egregious unruly passenger incidents to the Federal Bureau of Investigation for criminal investigation; and beginning an information-sharing initiative with the Transportation Security Administration to facilitate the removal of PreCheck authorization for individuals against whom the FAA pursued civil penalty action for unruly passenger conduct.

As of 2023, the unruly passenger rate [<https://www.faa.gov/unruly>] has dropped by more than 65 percent since the FAA implemented the zero-tolerance policy in 2021.

Question 2. From loading and unloading baggage and cargo to de-icing aircraft, ramp workers play an important role below the wing. Over the last couple of years, I’ve read horrifying stories of ramp workers dying while performing their duties.

What is the FAA doing to ensure that airlines and their contractors provide adequate training and equipment to ramp workers to ensure their on-the-job safety?

ANSWER. To address events where injuries or fatalities have occurred during aircraft towing or ground handling operations, on August 23, 2023, the FAA published a Safety Alert for Operators (SAFO 23006) [https://www.faa.gov/other_visit/aviation_industry/airline_operators/airline_safety/safo/all_safos/SAFO23006.pdf] on the *Review and/or Revision of Aircraft Towing/Ground Handling Procedures for the Safety of the Wing and/or Tail Walkers*. This SAFO serves as a safety reminder by raising awareness regarding specific accidents involving ramp workers and recommending operators evaluate their towing and marshaling procedures to ensure that they include certain procedures to enhance towing and marshaling safety. We also made updates to Advisory Circular 00-65A [https://www.faa.gov/documentLibrary/media/Advisory_Circular/AC_00-65A.pdf], *Towbar and Towbarless Movement of Aircraft* to incorporate these recommended actions and plan a similar update to an Advisory Circular that covers aircraft ground handling, servicing, and marshaling. In addition, the FAA’s Ramp Safety Task Force is evaluating ramp worker accidents along with existing rules and guidance regarding ramp safety to determine if additional mitigations are necessary.