

**SENATE COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION:
QUESTIONS FOR THE RECORD**

**HEARING ON
NOMINATION OF STEVE DICKSON TO BE FAA ADMINISTRATOR
MAY 15, 2019**

Written Questions Submitted to Stephen Dickson, Nominee to be FAA Administrator

Submitted by Senator Thune

Question 1. Mr. Dickson, as a result of the 737 MAX crashes in Indonesia and Ethiopia, several reports have raised questions about the aircraft certification process, specifically when it comes to automated flight control systems. In response, the Federal Aviation Administration (FAA) established a Joint Authorities Technical Review Board – which includes experts from 9 civil aviation authorities worldwide as well as the National Aeronautics and Space Administration (NASA) and the FAA – to review the certification of the 737 MAX’s automated flight control system.

Additionally, the FAA established a Technical Advisory Board, which includes representatives from FAA, NASA, and the United States Air Force, to review Boeing’s update to the Maneuvering Characteristics Augmentation, or MCAS, software.

Depending on the findings of these two Boards, it is likely that the decision to return the 737 MAX to service would be among the first major actions you take if confirmed as Administrator. Can you speak to how you would proceed in making this important decision?

Response: *If confirmed prior to the ungrounding of the Boeing 737 MAX, my priority will be to gather all the facts before making any decisions. Additionally, I would plan to solicit the advice and review recommendations of the Technical Advisory Board (TAB) and further engage with foreign civil aviation authorities about FAA’s findings and path forward. Finally, I will remain engaged with the appropriate Congressional committees of jurisdiction throughout the process so that Congress is continually apprised of status and next steps as we continue to work through this situation.*

Question 2. Mr. Dickson, the FAA Reauthorization Act of 2018 (P.L. 115-254) required the FAA to establish an Organization Designation Authorization (ODA) Office within the Office of Aviation Safety, improving the operational safety of the existing ODA program by strengthening oversight of ODA holders delegated to perform certain functions on behalf of the FAA. The FAA established the ODA office on March 5, 2019.

- A. As a former employee of an ODA holder, could you speak to your experience with the program?

Response: *My experience is in Flight Operations, which does not use ODA. Delta's ODA resides in Technical Operations, and as I understand it, only pertains to aircraft interiors, not airframes and power plants. However, I do have considerable experience with FAA designees in the form of line check pilots (LCPs) and aircrew program designees (APDs). These designees perform certain certification activities pertaining to pilot qualification on new aircraft, under the supervision of fleet leadership and the FAA operations inspector for that fleet. The LCP and APD programs resulted in much more effective and realistic pilot training and qualification programs, and also more effective oversight by the FAA Certificate Management Office. The sharing of safety, operational and training data with the agency is very powerful and facilitated the FAA being much more proactive and engaged in value-added safety activity in collaboration with the carrier, and also much more effective in terms of compliance oversight. Instead of waiting for a violation to take action, in many cases the FAA team was able to help identify issues before they became a compliance or safety concern.*

- B. The FAA Reauthorization Act of 2018 bill also established an expert review panel to survey ODA holders and evaluate the effectiveness of the ODA process generally. If confirmed, will you commit to using the panel's recommendations to improve the ODA program?

Response: *If confirmed, I will commit to reviewing and implementing, as appropriate, the panel's recommendations to improve the ODA program.*

Submitted by Senator Moran

Question. Mr. Dickson, the ability to fly drones beyond visual line of sight is the key to advanced drone operations being explored by the Kansas Department of Transportation in the UAS Integration Pilot Program. Beyond visual line of sight operations will unlock precision agriculture and long-line infrastructure operations that are key to the Kansas economy. Current waivers in the UAS Integration Pilot Program enabling beyond visual line of sight activity rely heavily on ground-based radars. However, the idea that ground-based radars every 3 miles across the country as the only means of supporting beyond visual line of sight drone flights is simply not scalable.

If confirmed, how will you lead the FAA to ensure we can safely integrate beyond visual line of sight drone operations into the national airspace harnessing safety solutions such as unmanned traffic management?

Response: *Safely integrating drones into the airspace will be one of my top priorities if I am confirmed. Allowing for broad application of beyond line of sight operation of UAS is a key aspect of unlocking the innovation opportunities for drone operations. I appreciate the work and leadership that Kansas is demonstrating in this effort.*

In order to allow for the safe management of low altitude drone operations, I will work to finalize several of the rulemakings associated with UAS which are currently working their way through the regulatory process.

Submitted by Senator Sullivan

Question. As an Assistant Secretary of State in the George W. Bush Administration, I worked closely on US Open Skies policy and oversaw the negotiation of a number of significant agreements, including with the EU and Japan.

(DOT's Office of the Assistant Secretary for Aviation and International Affairs, with assistance from the State Department, is responsible for negotiating bilateral agreements and awarding U.S. airlines the right to offer services provided for in those agreements.)

Since 1992, the United States has reached 120 open skies agreements governing international air passenger and air freight services. The U.S. Open Skies policy is one of the most successful economic and diplomatic initiatives in American history, expanding air service access to U.S. communities, stimulating economic growth, and creating jobs for American workers at home and abroad.

As a member of the Senate Armed Services Committee, I see our more than 120 Open Skies agreements in the broader context of international agreements, often with important geopolitical allies, that must be fully and consistently honored, and never cavalierly breached.

Open Skies allows US airlines to maintain global delivery networks to transport troops and vital supplies for the military. The policy is critical to maintaining military readiness. Our cargo airlines rely on the fifth-freedom traffic rights found in each and every one of our Open Skies agreements to operate its global network. If Open Skies agreements were restricted and invoked retaliation from our international partners, it could impede military readiness by causing significant delays in the transportation of vital supplies needed to ensure military readiness.

Such a change in policy could also do enormous damage to America's world-leading all-cargo airlines, which are hugely important to Alaska and an engine of economic growth. We have one of the world's best cargo hubs (Ted Stevens Anchorage International Airport is number two in US for landed cargo weight, and number six in the world for cargo throughput). The most current economic data representing the Alaskan aviation industry estimates there is about \$3.5B worth of economic activity, generated through 47,000 jobs and comprising 8% of Alaska's gross state product.

I noticed in the Potential Conflicts of Interest section of the Nominee Questionnaire, you disclosed that you did work advocating on behalf of the position taken by some of the U.S. network airlines in opposition to the expansion of the Persian Gulf carriers.

I recognize the Secretary of Transportation, and the DOT's Office of the Assistant Secretary for Aviation and International Affairs, would take the lead in any conversations regarding Open Skies or any disputes with our carriers. However, I imagine you may find yourself in a situation to share your opinion.

Given that you have history advocating on one side of this controversial issue, will you commit to being objective in any discussions on Open Skies that could lead to potential retribution from other nations?

Response: *Open Skies has long been a central element of U.S. international aviation policy. It is my understanding that the Administration continues to recognize its great importance to the Department's diverse aviation stakeholders, and if confirmed I will support the Administration's views on the Open Skies policy. I also understand that the Administration attaches great importance to a level playing field for U.S. companies, and has demonstrated a willingness to reexamine existing agreements and to take measures necessary to ensure those agreements are working for the United States.*

I share Senator Sullivan's understanding that the controversy surrounding the Gulf carriers - which affects U.S. airlines, labor, communities and the traveling and shipping public directly - is handled by the Office of the Secretary (OST), in coordination with other government agencies. Recognizing that the issue is fundamentally a commercial concern, rather than a safety oversight matter, I would not anticipate having direct involvement in its resolution if I am confirmed as FAA Administrator. I can assure Senator Sullivan, however, that if OST were to seek my insight or advice and I am not recused from the specific matter, I would respond in an objective and fact-based manner. I can also express my commitment to work with the Senator and his staff were any issues to arise related to the Gulf carrier controversy or Open Skies policy discussions that could lead to retribution by other nations to arise within the FAA context.

Submitted by Senator Capito

Question 1. After the crash of Colgan Air Flight 3407 in 2009, Congress raised the minimum experience of airline pilots from 250 to 1,500 hours. Since then the U.S. aviation system has experienced a record level of safety.

Beyond pilot hours, how does the pilot training in the United States differ from the requirements of foreign nations?

Response: *Each country has the authority to set training standards for pilots that fly for their air carriers. In the United States, we have extensive requirements for training commercial pilots, and our training and experience requirements exceed the minimum standards of the International Civil Aviation Organization (ICAO). The FAA leads in the development of international standards promulgated by ICAO, and also actively supports and promotes implementation of these standards within individual countries. Here in the U.S. we also have an important mechanism called the International Aviation Safety Assessment (IASA) program. This program ensures that the civil aviation authorities of foreign countries are meeting those minimum ICAO standards and are appropriately certifying their operators that have direct service to the U.S. or a carrier that codeshares with U.S. carriers.*

Question 2. My understanding is that Boeing has already developed a Maneuvering Characteristics Augmentation System (MCAS) software update in order to provide additional layers of protection when angle of attack (AOA) sensors provide erroneous data. Final approval of the fix by the FAA will take a significant amount of time as they conduct their own evaluations and receive foreign regulatory feedback.

If confirmed as FAA Administrator, how can the FAA renew confidence in the public about flying domestically and internationally?

Response: *It is my experience that the FAA is always looking to further improve its processes. Additionally, in my testimony before the Committee I emphasized that the FAA should be the global leader in safety, with a culture of continuous improvement. Safety is very much a journey, not a destination, and we always need to find ways to continue to improve. It is my understanding that that is why Secretary Chao called for an independent review of the aircraft certification process; the FAA formed a Joint Authorities Technical Review with international partners to review the certification of the 737 MAX automated flight control system; and the FAA established a Technical Advisory Board to review Boeing's MCAS software update and system safety assessment. I look forward to reviewing the recommendations of these independent panels of experts, and if confirmed by the Senate, leading the FAA in taking any actions that are necessary to further improve the safety of our system.*