

**U.S. Senate Committee on Commerce, Science, and Transportation Committee
Nomination Hearing for Administrator of Federal Aviation Administration
May 15, 2019**

Questions for the Record

Ranking Member Maria Cantwell

Written Questions Submitted by Hon. Maria Cantwell to Mr. Stephen Dickson:

Impact of obstructions on One Engine Inoperative procedures. Mr. Dickson, in 2014, FAA issued a Proposal to consider the impact of One Engine Inoperative (OEI) procedures in the aeronautical study process that is conducted under 14 C.F.R. part 77. This is the process by which FAA determines whether construction or alteration of a structure will be an obstruction in the navigable airspace. If so, the agency then conducts aeronautical studies to evaluate adverse impacts on the safe and efficient use of the airspace.

The purpose of the underlying statutory framework is to avoid construction of any structures that would conflict with the safe and efficient use of the national airspace. In making “hazard” determinations under Part 77, FAA currently only considers aircraft operating under standard conditions, not “emergency” situations like One Engine Inoperative procedures where an engine fails on departure.

However, an engine failure prevents aircraft from climbing at the standard rate. Therefore, structures near airports can create safety risks to emergency operations even if they would not harm standard departure procedures. Airports across the country are facing increasing encroachment from development, and if FAA continues to avoid analysis of impacts to emergency OEI procedures, decreased safety could result.

Question 1. Can I have your commitment to prioritize this issue and swiftly finalize FAA’s proposal to consider OEI procedures in the Part 77 process?

Response: *It is imperative that the airspace is safely and efficiently managed, particularly during takeoff and landing. If confirmed, I look forward to learning more about this issue and its current status at the FAA. I commit to working with you to address your concerns.*

Temporary flight restrictions over large gatherings. It has been brought to my attention that FAA is unable to grant temporary flight restrictions (TFRs) for major events such as concerts, even when they are held in venues where TFRs are regularly granted for sporting events. These concerts often draw a similar and sometimes larger crowd than the sporting events that take place in these venues. While the organizers for the sporting events are able to use the TFR as a tool in their efforts to maintain safety of attendees, the organizers for these concerts are not able to use this as another tool in their massive undertaking to keep their patrons safe during an event. I see no reason to draw a distinction between protecting large gatherings in the same venue based on the type of event they are gathered for. While I understand a TFR will not stop a bad actor who intends to ignore the rules, a TFR does help ensure that the airspace is clear of legitimate aircraft, and makes identifying the bad actors easier.

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Question 2. Are you willing to work with me to find a method for other events, like major concerts, to request and obtain a TFR, if they are held in the same venue and have the same crowd size as a sporting event where TFRs are regularly granted?

Response: *Safety of the national airspace will be my top priority if confirmed as Administrator. It's my understanding that the FAA will issue a Temporary Flight Restriction (TFR) for large events like music festivals if a Federal law enforcement partner identifies a security threat. For sporting events, Congress has explicitly required the FAA to issue a TFR. If confirmed, I look forward to working with you on this issue.*

Failure to disclose. Approximately two weeks after your June 5, 2019 confirmation hearing, the Committee was made aware of a whistleblower claim brought against Delta Air Lines by a company pilot. In her claim, which is currently pending before an Administrative Law Judge at the U.S. Department of Labor, the pilot alleges she was subjected to significant retaliation after communicating safety-related concerns to Delta's Department of Flight Operations during your tenure as Senior Vice President of Flight Operations. On October 31, 2018, you were deposed in the course of the discovery process related to the claim. The 270-page written transcript of your deposition was provided to Committee staff at the time the whistleblower claim was first brought to our attention.

Your failure to disclose this matter to the Committee is of major concern. Further, the facts related to the whistleblower claim are troublesome and suggest at least the possibility that the claim of retaliation has merit.

In light of this development, please respond to the following questions:

Question 3. Please explain why the whistleblower claim referenced above was not disclosed to the Committee.

Response: *Thank you for the opportunity to explain. I interpreted the Committee questionnaire, as well as the pre-hearing interview with staff, to pertain to my personal conduct, my behavior both in general and as an officer of a large public company, or any instance in which I was a named party to a proceeding. There were four specific reasons I took this approach:*

- 1. In preparing my questionnaire submission and for the confirmation hearing, I consulted extensively with experienced professional DOT and White House staff. In these consultations, we discussed how to handle legal disclosures, given the broad scope of responsibilities and length of my tenure in my previous role at a large public company. Everyone involved knew of the broad scope of my previous responsibilities and the fact that over a period of my 12-year tenure there would have been numerous legal and administrative proceedings of one form or another that the company would be involved in. During my tenure, individual pilot matters were handled by an experienced cross-divisional team and I had little to no direct involvement in the process. In addition, since I had retired I no longer had access to detailed information. That is why I responded*

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“yes” and noted that my employer was in fact involved in legal proceedings, but that I had never been named as a party in any of them.

- 2. For additional guidance, I reviewed the individual submissions of all nominees on the Commerce Committee website. In every case I could find, similarly-situated nominees (partners at large law firms, directors of corporations, officers at large companies) indicated that their companies or organizations had been involved in various legal proceedings, but did not list the proceedings individually unless they had been a named party, or acted as the decision-maker in the matter at hand.*
- 3. Unlike the other sections of the questionnaire, Section C does not ask for a list of proceedings. Additionally, since I had been retired from my previous employer for several months by the time I completed the questionnaire, I did not have access to the details to enumerate each individual proceeding the company was involved in.*
- 4. With respect to this claim in particular, my involvement was limited to one meeting with the pilot, and providing direction to my leadership team to ensure that the appropriate follow-up actions were completed and that the contractual processes were followed so that the pilot was treated fairly in the review process. Over the course of my tenure, matters pertaining to individual pilots were handled by an experienced cross-departmental team. In contrast, I was much more involved in other proceedings where I was the decision-maker on matters more strategic to the corporation—for example, flight deck and crew rest provisioning, fleet decisions and matters pertaining to the implementation of the Pilot Working Agreement.*

Finally, I want to make clear that I understand your concerns regarding this matter. My goal has been to be as transparent as possible throughout this entire process. To that end, I have also met with members of your Committee staff on multiple occasions before and since my hearing and have offered to come in again if it is helpful.

Question 4. Do you still believe, as you stated during your deposition, that the decision to refer the pilot who communicated the safety concerns for a psychiatric evaluation that could result in the revocation of her pilot’s license was “a sound course of action?”

Response: *Yes. Based on the information available at the time, the company had to act in the best interest of safety. The referral was made based on a credible report about statements the pilot made to company officials and behavior she exhibited, which raised legitimate questions about her fitness to fly. Out of an abundance of caution, the company followed the process contained in the negotiated collective bargaining agreement to ensure the pilot was safe to fly. The current review process has been in place since 2000 and some form of medical review has been in place at Delta since the 1940’s. The process is, by design, non-punitive and non-disciplinary and is intended to be fair to the pilot by providing full pay and benefits during the review. It is focused on having protocols in place to ensure crewmember fitness so that the safety of the company’s customers and employees is not compromised. In fact, the 2015 Germanwings*

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accident reminds us that the traveling public demands that air carriers have programs and protocols to assess the health of their crewmembers.

Question 5. Are there other administrative agency proceedings, criminal proceedings, or civil litigation involving you or Delta Air Lines which you have failed to disclose to the Committee? If so, please explain.

Response: *As noted above, I have never been personally named as a party to any judicial, administrative or regulatory proceeding. As a large airline, Delta has been involved in various judicial, administrative and regulatory proceedings relating to its business. During my tenure, individual pilot matters were handled by an experienced cross-divisional team and I had very little involvement in individual cases. Such cases were routinely handled by representatives in Delta's Labor Relations and Legal Departments. Since I am retired from the company, I no longer have access to detailed information. However, I understand that Delta has provided some data directly with the Committee for perspective. In addition to this data, in more recent consultations with the company, I have become aware of a total of at least 24 System Board of Adjustment cases (2-3 per year on average) and approximately 200 disciplinary proceedings (16-20 per year or about .15% of the pilot population, ranging from terminations to disciplinary letters) involving pilots during my tenure.*

Question 6. Please advise if there is any additional information, favorable or unfavorable, which you feel should be disclosed to the Committee in connection with your nomination.

Response: *For additional perspective on the claim referenced above, you may wish to consult with industry stakeholders that I have worked with over my almost 40 years in aviation. I have led industry efforts to advocate for aviation safety and innovation around the world. In doing so, I have developed strong relationships with aviation industry stakeholders in the US and internationally, including manufacturers, safety organizations, labor, RTCA, IATA and ICAO.*

I believe I have the experience and personal qualities to lead the FAA through an exciting time of tremendous change and opportunity. In doing so we would collaborate with industry stakeholders to serve the best interests of our country, the traveling public and all stakeholders. System safety is the single most important part of the FAA's mission across all lines of business, whether it is daily air traffic operations, aircraft certification, regulatory oversight or the integration of new entrants.

Long-Term Incentive Plan. In your April 12, 2019, ethics agreement letter filed with the Office of Government Ethics, you reference a March 7, 2019, agreement with Delta Air Lines, Inc. that cancels certain "adjusted cash performance awards and stock to be paid out between 2020 and 2021," and instead allows these awards to be paid out in a lump sum prior to assuming "the duties of the position of Administrator."

Question 7. Please explain the genesis of this agreement to cancel your pending Long-Term Incentive Plan (LTIP) awards and instead award them as a lump sum. Did you request it, or was it offered by the company?

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Response: *Neither. In connection with the nomination process, I consulted with the Office of Government Ethics and the Department of Transportation's Designated Agency Ethics Official to identify potential conflicts of interest. As a result of my service as an officer at Delta and my retirement, I have earned and would be entitled to receive certain long-term incentive awards over the next two years. In the discussions with the government ethics officials, I was informed that I would not be able to accept compensation from Delta after assuming duties as FAA Administrator because a continuing financial interest in the company would require my disqualifications from matters so central to the performance of the Administrator's duties that my ability to perform those duties would be materially impaired. Therefore, to comply with Federal conflict of interest requirements, the ethics officials told me I would need to work with Delta to accelerate the timing of those awards to eliminate a continuing financial interest in the company, and that I needed to develop and execute a written agreement with the company to reflect this. This is the genesis of the agreement.*

Question 8. Does this agreement modify any other standards terms of Delta Air Lines, Inc's LTIP program, including confidentiality or non-compete provisions?

Response: *No.*

Question 9. Does the March 7, 2019, agreement with Delta Air Lines, Inc. contain a provision requiring you to pay back any or all of the lump sum payment if you are not confirmed by the Senate as, or do not assume of the position of, Administrator of the Federal Aviation Administration?

Response: *The agreement is specifically designed to avoid the possibility of repayment. The accelerated timing of the long-term incentive awards does not take effect until after confirmation by the Senate, but before Presidential appointment. This way the conflict is resolved before I assume the position of FAA Administrator. In the unlikely event I am confirmed by the Senate and the accelerated payment has been made, but for some reason I am not appointed or never assume the position of FAA Administrator, I would then return the accelerated payment and revert to receiving the awards consistent with the scheduled terms of the original compensation plan. This is an extremely remote possibility, but one that all parties felt needed to be accounted for. Reverting back to the status quo in this instance would put me back on the same footing with the same schedule as similarly-situated retired officers.*

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Senator Amy Klobuchar

Written Questions Submitted by Hon. Amy Klobuchar to Mr. Stephen Dickson:

According to reports following the two fatal crashes of the Boeing 737 Max 8 aircraft in Ethiopia and Indonesia, senior FAA officials did not review critical safety assessments of the aircraft's automated flight-control system, which was implicated in both crashes—and was not subjected to certain safety inspections by federal government officials in light of the fact that the FAA delegated certification authority to Boeing.

Question 1. How will you ensure that the FAA exercises more oversight over the authority delegated to private entities during the certification process to ensure the safety of aircraft and aviation systems?

Response: *Multiple reviews, audits, and investigations have been initiated by the DOT and the FAA regarding the certification of the Boeing 737 MAX, as well as the certification process in general. If I am confirmed, I look forward to reviewing the recommendations of the investigations, reviews and audits and am committed to making any necessary changes to improve the rigor of the certification process to ensure the continued safety of aircraft and aviation system, and above all else, the travelling public.*

Air traffic control (ATC) services are important to rural communities and businesses, which rely on our country's ATC system to help with transportation needs, health and medical emergencies, and first responder functions. In 2016, you wrote in an op-ed in which you stated that you oppose privatizing the ATC system — a proposal for which the President has expressed support.

Question 2. Do you still oppose privatizing our nation's ATC system?

Response: *Any proposal to spin off the Air traffic control (ATC) system would require the support of Congress and the Administration and should be the result of national debate and consensus among all stakeholders. ATC reform was proposed and considered during the 115th Congress, but the necessary consensus did not develop. If ATC reform is considered in the future and if I am confirmed, I look forward to reviewing any such proposal and working with Congress on its merits.*

- Will you ensure that any changes to our ATC system consider the needs of rural communities?

Response: *Rural access to aviation is critically important and, if confirmed, I am committed to ensuring that our rural communities are considered in any aviation reform proposal.*

Aviation safety is a top priority for me. I have introduced legislation with Senators Cantwell, Blumenthal, Markey, and Duckworth – the Safe Skies Act – which would ensure that America's cargo plane pilots have the same rest requirements as passenger pilots.

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Question 3. Do you believe that the Department of Transportation should require cargo pilots to operate under the same fatigue rules as commercial airline pilots?

Response: *Currently, all part 121 air carriers, including cargo carriers, must implement fatigue risk management plans to manage pilot fatigue. These plans are performance-based and take into account variations in the operating and business models of various carriers, with the goal being one level of safety for every operator in the system. Cargo carriers also do have flight time limitations and rest requirements. They may choose to fly under the flight time limitations of part 121 or may voluntarily choose to apply the limits of part 117.*

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Senator Richard Blumenthal

Written Questions Submitted by Hon. Richard Blumenthal to Mr. Stephen Dickson:

Failure to disclose a whistleblower retaliation lawsuit filed against Delta in your Committee questionnaire. In 2016, a first officer with Delta Airlines, Karlene Pettitt, gave you and other Delta executives a written report raising concerns about pilot fatigue, pilot training, pilot training records and Delta's Safety Management Systems programs. According to a lawsuit Ms. Pettitt filed against Delta, after she submitted the report, a human resources employee at Delta then referred Ms. Pettitt for a psychiatric evaluation and placed her on leave without pay. It is my understanding that the Section 15 process for psychiatric evaluations is uncommon and that this is a unique case.

You gave a lengthy deposition in the case, and yet you failed to disclose this lawsuit and your involvement on the questionnaire you submitted to the Committee. Given the current climate of safety oversight at the Federal Aviation Administration (FAA), I find this omission deeply concerning and potentially disqualifying.

Question 1. How many Section 15 psychiatric evaluations occurred during your tenure at Delta?

Response: *Individual cases were not something I typically had visibility into during my tenure. However, the review process is extremely important in terms of ensuring pilots are fit to safely perform their duties in commercial airline operations. This process is contained within the collective bargaining agreement to protect the traveling public, the pilots and the company. The implementation of this specific action is routinely carried out using a well-established cross-divisional human resources process. In fact, the 2015 Germanwings accident reminds us that the traveling public demands that air carriers have programs and protocols to assess the health of their crewmembers. It is my understanding; other medical review processes are standard across the commercial aviation industry.*

In order to fully answer your question and be as forthcoming as possible I have consulted with my former company. Given that I am now retired, the data provided indicates on average somewhere between 3 and 4 Section 15 evaluations per year, with as few as 1 in a year and as many as 6 in another. Some were for physical issues, others psychiatric and some were a combination of the two. Therefore, I would estimate approximately 30-45 evaluations during my tenure, which was over a 12-year period overseeing a pilot workforce of 14,000+ employees.

Question 2. Given the unique nature of Ms. Pettitt's case – coupled with the current transparency concerns at the FAA – why did you choose not to report this lawsuit on your Committee questionnaire?

Response: *Thank you for the opportunity to explain. I interpreted the Committee questionnaire, as well as the pre-hearing interview with staff, to pertain to my personal conduct, my behavior both in general and as an officer of a large public company, or any instance in which I was a named party to a proceeding. There were four specific reasons I took this approach:*

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1. *In preparing my questionnaire submission and for the confirmation hearing, I consulted extensively with experienced professional DOT and White House staff. In these consultations, we discussed how to handle legal disclosures, given the broad scope of responsibilities and length of my tenure in my previous role at a large public company. Everyone involved knew of the broad scope of my previous responsibilities and the fact that over a period of my 12-year tenure there would have been numerous legal and administrative proceedings of one form or another that the company would be involved in. During my tenure, individual pilot matters were handled by an experienced cross-divisional team and I had little to no direct involvement in the process. In addition, since I had retired I no longer had access to detailed information. That is why I responded “yes” and noted that my employer was in fact involved in legal proceedings, but that I had never been named as a party in any of them.*
2. *For additional guidance, I reviewed the individual submissions of all nominees on the Commerce Committee website. In every case I could find, similarly-situated nominees (partners at large law firms, directors of corporations, officers at large companies) indicated that their companies or organizations had been involved in various legal proceedings, but did not list the proceedings individually unless they had been a named party, or acted as the decision-maker in the matter at hand.*
3. *Unlike the other sections of the questionnaire, Section C does not ask for a list of proceedings. Additionally, since I had been retired from my previous employer for several months by the time I completed the questionnaire, I did not have access to the details to enumerate each individual proceeding the company was involved in.*
4. *With respect to this claim in particular, my involvement was limited to one meeting with the pilot, and providing direction to my leadership team to ensure that the appropriate follow-up actions were completed and that the contractual processes were followed so that the pilot was treated fairly in the review process. Over the course of my tenure, matters pertaining to individual pilots were handled by an experienced cross-departmental team. In contrast, I was much more involved in other proceedings where I was the decision-maker on matters more strategic to the corporation—for example, flight deck and crew rest provisioning, fleet decisions and matters pertaining to the implementation of the Pilot Working Agreement.*

Finally, I want to make clear that I understand your concerns regarding this matter. My goal has been to be as transparent as possible throughout this entire process. To that end, I have also met with members of your Committee staff on multiple occasions before and since my hearing and have offered to come in again if it is helpful.

Question 3. Do you believe this lawsuit is relevant to your nomination process?

Response: *Yes, in the sense that safety always needs to be the top priority for operators in the aviation system. Air carriers have the responsibility to ensure protocols are in place so that their aviators are trained, current, qualified and fit to fly.*

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Question 4. Are there any other lawsuits that you failed to report in your Committee questionnaire that you feel are relevant to your nomination? If so, please provide all relevant information.

Response: *As noted above, I have never been personally named as a party to any judicial, administrative or regulatory proceeding. As a large airline, Delta has been involved in various judicial, administrative and regulatory proceedings relating to its business. During my tenure, individual pilot matters were handled by an experienced cross-divisional team and I had very little involvement in individual cases. Such cases were routinely handled by representatives in Delta's Labor Relations and Legal Departments. Since I am retired from the company, I no longer have access to detailed information. However, I understand that Delta has provided some data directly with the Committee for perspective. In addition to this data, in more recent consultations with the company, I have become aware of a total of at least 24 System Board of Adjustment cases (2-3 per year on average) and approximately 200 disciplinary proceedings (16-20 per year or about .15% of the pilot population, ranging from terminations to disciplinary letters) involving pilots during my tenure, which spanned over 12 years. It is difficult, if not impossible, to determine the relevance of any of these matters in advance. In contrast, I was much more involved in other proceedings where I was the decision-maker on matters more strategic to the corporation—for example, flight deck and crew rest provisioning, fleet decisions and matters pertaining to the implementation of the Pilot Working Agreement.*

Potential involvement in whistleblower retaliation. According to the ongoing lawsuit against Delta – currently pending with the Department of Labor – you are not accused of whistleblower retaliation in this instance. We await a final decision in the case, which we expect to come in the next year.

Question 5. Were you ever accused of retaliation against a whistleblower during your tenure at Delta? If so, please provide all relevant information.

Response: *No, I have never been accused of retaliation of any sort during my tenure at Delta Air Lines, including in the case referenced above or any other proceedings with the operational workforce.*

I have not previously and will never tolerate retaliation of any kind to any employee who raises safety concerns. I fully understand the importance of safety being the top priority at the FAA. As I have previously stated, safety is very much a journey, not a destination, and we always need to find ways to improve. Having voluntary reporting programs and other reporting mechanisms in place are critical elements for pilots and other aviation system employees to use to bring forward their safety concerns. For a commercial air carrier, the very core of the safety program is employee reporting.

Over the course of my tenure, matters pertaining to individual pilots were handled by an experienced cross-departmental team. As Senior Vice President, my involvement in this matter was limited to directing my leadership team to ensure appropriate follow-up and that the contractual processes were complied with. In contrast, in my officer role, I was much more

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involved in other proceedings where I was the decision-maker on matters more strategic to the corporation—for example, flight deck and crew rest provisioning, fleet decisions and matters pertaining to the implementation of the Pilot Working Agreement.

Rebuilding confidence in the FAA. As you know, the next FAA Administrator will have to restore public trust in the agency by making changes to existing policy and addressing lapses in oversight that led to the recent 737 MAX crashes.

The agency's hesitation to ground 737 MAX aircraft even after safety regulators around the world ordered groundings has shaken the world's confidence in the FAA's independence and oversight ability.

Foreign regulators have indicated that they will require additional reviews of any forthcoming decision by FAA to allow 737 MAX aircraft to fly again – indicating a lack of trust in the agency. Additionally, multiple domestic airlines have extended flight cancellations of Boeing 737 MAX aircraft until August 2019, due to a lack of confidence in the aircraft.

Question 6. What is your plan to rebuild international and domestic confidence in the agency and ensure that the FAA is once again seen as an international leader in aviation safety?

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. Finally, I will leverage the existing strong relationships and credibility I already have at IATA, ICAO, IFALPA, Flight Safety Foundation, EASA and elsewhere to ensure they all understand the FAA will continue to be the gold standard for safety, and second to none.*

Bringing passenger service to Sikorsky Airport. Sikorsky Airport, although owned and operated by the City of Bridgeport, is located in the neighboring town of Stratford, Connecticut. Until two decades ago, passenger service was provided in the form of commuter airplanes on a regional basis to various locations in the Northeast.

Although it has been suggested over the years that a market exists for substantial passenger service to include larger planes with the ability to reach destinations such as Florida, the existing runways were not long enough to accommodate the type of aircraft necessary to travel these distances. Furthermore, a long-standing agreement between the city and the town of Stratford does not allow for runway expansion so long as Bridgeport owns the airport.

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Since the beginning of 2018, the City has been privately negotiating with a group organizing a new airline who have since contracted to purchase \$1.6 billion in technologically advanced airplanes holding up to 145 passengers. These will be quieter than any other similar planes on the market and will have the ability to take off and land on shorter runways such as Sikorsky's. This group has started and operated several successful airlines in the past and, after considering other similar airports in the region, they have indicated a keen interest to provide service at Sikorsky Airport when the airline is launched in late spring of 2021.

In accordance with discussions for a public/private partnership to allow the airport to accommodate this type of passenger service, the airline would be responsible for developing a passenger terminal and aircraft apron with an investment of 8 to 15 million dollars. In turn, the City of Bridgeport would take responsibility for improvements on Runway 1129, taxiways, and other requirements to comply with FAA standards. The cost of these improvements are currently estimated to be a minimum of \$7 million.

The City of Bridgeport and the airline are presently working on a contract that would allow for a long-term lease agreement for the proposed site of the new terminal. This contract, subject to the FAA granting the necessary approval for the use of Runway 1129, will give the airline the level of comfort they need to go public with a joint announcement to unveil plans at the airport.

The City has received support from our regional public leaders as well as the Governor's Office resulting in the recent bond approval of \$7 million. These funds are conditional upon the airline's investment and ultimate operation, which is in turn conditional upon FAA permission. That permission is currently pending with the FAA.

Question 7. Given the importance of a timely decision from the FAA, if you are confirmed, will you commit to working with the City of Bridgeport and FAA's New England Region Airports Division to move this project forward?

Response: *If confirmed by the Senate, I look forward to learning more about this project and giving it full and fair consideration.*

Ensuring the continued success of the FAA's Contract Tower Program. The FAA's Contract Tower Program continues to enjoy strong bipartisan support in Congress, including the support of many of us on this Committee. As validated by the Department of Transportation's Inspector General, the program provides high quality, cost-effective air traffic control services to over 250 smaller airports throughout our nation's air transportation system – including six in my home state of Connecticut.

Contract towers handle approximately 28 percent of the nation's air traffic control tower operations, yet they account for only 14 percent of the FAA's total tower operations budget. It is also important to note that almost half of all military operations at civilian airports in the U.S. are handled by a federal contract tower and 70 percent of all contract tower controllers are veterans.

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Question 8. Given the critical importance of contract towers to air traffic safety in rural America and at smaller airports, can you give us your commitment to work collaboratively with Congress and the industry to ensure the continued success of the program?

Response: *I agree that the Contract Tower Program is an essential component of our National Airspace System, and is vital to smaller airports across the country. If confirmed by the Senate, I look forward to working with you and the Congress to ensure the continued success of the program.*

Question 9. Will you also support implementation of the positive contract tower provisions that were part of last year's FAA reauthorization bill?

Response: *If confirmed by the Senate I look forward to leading the FAA's efforts to implement the Contract Tower provisions that were included in the 2018 FAA Reauthorization Act.*

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Senator Brian Schatz

Written Questions Submitted by Hon. Brian Schatz to Mr. Stephen Dickson:

The National Park Air Tour Management Act of 2000 (NPATMA) directed the FAA and NPS to develop air tour management plans for national park system units. To date, none have happened.

Question 1. How would you address the failure to implement the requirements of this act?

Response: *I understand there is a lot of interest in the topic of air tours in Hawaii and if confirmed I will engage with the National Park Service to understand what actions have occurred to date, why no plans have been finalized, and determine appropriate next steps.*

As an alternative, the agencies and operators have begun developing Air Tour Management Agreements, voluntary and temporary measures, but these have only been finalized for three locations so far: Big Cypress National Preserve, Biscayne National Park, and Glen Canyon National Recreation Area. These cannot be enforced, nor do non-participating tour operators have significant incentives to join such an agreement.

Question 2. How can these agreements become more attractive for operators to join while encouraging a real air tour management plan to be developed?

Response: *My understanding is that while the decision to enter into a voluntary agreement is an individual choice for an operator, once the operator has joined they are in fact bound by the agreement and it is enforceable. With respect to getting higher participation from operators in these voluntary plans I understand the desire to have the most meaningful impact means including as many operators as possible. If confirmed, I will engage with the stakeholder community concerning this issue.*

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Senator Gary Peters

Written Questions Submitted by Hon. Gary Peters to Mr. Stephen Dickson:

As we discussed in my office, we have a bipartisan, bicameral delegation in Michigan working to ensure our Gerald R. Ford International (GRR) can continue its upgrade of the second oldest control tower [of the top 100 airports] in the country. This issue is actually an economic issue — the current tower is prohibiting growth at the airport as it is not possible to add another deck on the parking structure because the control tower is not high enough to see over it.

Question 1. Will you commit to making yourself aware of the needs at GRR?

Response: *If confirmed by the Senate, I look forward to learning more about this issue and to working with you to address your concerns.*

In the past, the President’s budget has called for eliminating the Essential Air Service program. I have in turn joined with a broad bipartisan group of Senators to ensure we do not get rid of this vital program, which ensures many rural parts of our country have access to both transportation but also, in some cases, important life-saving, emergency access.

Question 2. Following up on Senator Blunt’s question to you in your nomination hearing, will you commit to working with us to ensure we do not leave rural Americans without access to air travel?

Response: *I understand the importance of the Essential Air Service program to our rural communities. If confirmed by the Senate, I look forward to working with Secretary Chao to ensure that these communities have access to air transportation.*

As we discussed at your hearing, the Office of Inspector General’s 2016 report titled “Enhanced FAA Oversight Could Reduce Hazards Associated with Increased Use of Flight Deck Automation” included recommendations regarding pilot training guidance and standards.

Question 3. From your perspective, has FAA adequately responded to the Inspector General’s recommendations?

Response: *I understand that the FAA has responded to both of the Inspector General’s recommendations and they are now closed. Effective pilot training—including manual flying skills and the ability to maintain situational awareness and move fluidly through various levels of automation—is critical for safety. If confirmed by the Senate, I look forward to leading the FAA’s efforts to further improve the safety of our system.*

We passed provisions in last year’s FAA bill to provide greater authority to deal with emerging threats, for example, from drones. I am concerned that there is not requisite personnel to carry out these new authorities and directives that we’ve provided to protect aircraft and airports against new drone threats.

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Question 4. Will you commit to taking a look at this issue and assessing whether there are sufficient resource at FAA to carry out the directives related to safety from emerging drone threats?

Response: *The safe and secure integration of UAS into the National Airspace System is a national priority. If confirmed by the Senate, I look forward to leading the FAA's efforts to implement the UAS safety provisions that were included in the 2018 FAA Reauthorization Act.*

FAA regulations have [essentially] required airports use firefighting foams that contain PFAS chemicals, a group of approximately 4,700 toxic chemicals that have been linked to cancer as well as a wide variety of health problems. The FAA standard is based on a Department of Defense specification that the military is actively transitioning away from. Last year's FAA bill included my provision to allow airports to have the option of not using the PFAS fire retardants.

Question 5. Will you commit to working with me and my office on the ongoing PFOA/PFAS problem — particularly to make sure airports have safer, fire-fighting options?

Response: *The FAA's number one priority is the safety of the National Airspace System and the travelling public. I understand that currently the most effective type of firefighting foam is fluorinated and contains PFAS, but the FAA is working to find an equally effective non-fluorinated replacement. If confirmed by the Senate, I look forward to working with you and your staff as the FAA works to implement section 332 of the 2018 FAA Reauthorization Act.*

A 2018 Inspector General's Report indicated FAA's annual budget process provides broad controls for selecting and justifying developmental projects, but the Agency has lacked effective management controls in its project level agreement process. For example, 12 of the 22 agreements the IG sampled did not align with FAA's high-priority NextGen investment decisions, primarily because they were for support or implementation work. Furthermore, a lengthy approval process led to difficulty obligating funds to developmental projects.

Question 6. I know you have been intimately involved with the NextGen program from the two federal advisory Committees upon which you have sat, so can you share your thoughts on some of the management issues that you've seen that need addressing?

Response: *From my experience looking at NextGen implementation from an industry perspective, one of the biggest challenges is "operationalizing" and scaling the technology in a way that leads to demonstrable improvements in operational performance. Successes have generally been limited to localized implementation projects. From a program perspective, I have had limited visibility into the status of NextGen programs. If confirmed, I plan to review the status of the NextGen program and its milestones. I look forward to continuing engagement with all stakeholders to ensure that NextGen implementation remains on track.*

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Senator Tammy Baldwin

Written Questions Submitted by Hon. Tammy Baldwin to Mr. Stephen Dickson:

The FAA civil rights office works to ensure that airports are accessible to passengers with disabilities. Individuals with disabilities continue to encounter problems involving inaccessible shuttles on airport properties, as well as passenger boarding bridges that make it difficult for passengers to safely transit the jet bridge and transfer into an aisle chair at the bottom of the bridge in order to board the airplane.

Question 1. If confirmed as FAA Administrator, how would you ensure that our nation's airports increase their compliance with the access requirements of the Americans with Disabilities Act and Section 504 of the Rehabilitation Act?

Response: *My understanding is that airports that receive Airport Improvement Program grant funding from the FAA are required to comply with a number of non-discriminatory statutes and authorities including certain parts of the Americans with Disabilities Act and Section 504 of the Rehabilitation Act. If confirmed, I will work to hold airport sponsors accountable to their grant assurance agreements to ensure appropriate access for people with disabilities.*

Question 2. How will you work with the rest of the Department of Transportation to ensure that the full air travel experience of passengers with disabilities is a smooth, safe and seamless process?

Response: *My understanding is that the Department of Transportation's Office of Aviation Enforcement and Proceedings enforces the statutory requirements that prohibit airlines from discriminating against passengers because of a disability. If confirmed, I will closely coordinate with the Office of Aviation Enforcement and Proceedings on any issues that may overlap with FAA authorities to help ensure that disabled passengers have a safe, smooth, and seamless air travel experience.*

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Senator Jon Tester

Written Questions Submitted by Hon. Jon Tester to Mr. Stephen Dickson:

Bozeman Airport. As a state with expanses that exceed the distance from DC to Chicago, aviation is vital to Montana. It boosts our economy, connects families and provides critical life-lines for patients requiring urgent medical care. Aviation is expanding in Montana. Bozeman Airport in particular has witnessed explosive growth.

Since 2010, passenger traffic at Bozeman Airport has more than doubled. It now accounts for 30% of all passengers to and from Montana. And we get millions of visitors every year in Montana. Today, Bozeman is the largest airport in the state in terms of annual enplanements and tower operations. Montana is the only state whose largest airport is not supported by FAA-operated tower services.

To ensure year-round safe operations, passengers and employees, Bozeman Airport's on-site resources need to be aligned with today's new reality. Bozeman has stepped up to fund additional tower staff to handle the increased traffic in the immediate term.

Question 1. Will you, as the FAA Administrator, commit to adopt a long-term strategy that will ensure appropriate and equitable federal support for airport operations by transitioning Bozeman to an FAA-operated tower?

Response: *I appreciated you taking the time to raise this important issue to me during our courtesy visit. I fully understand the importance of this issue to your constituency. If confirmed by the Senate, I look forward to working with you to address your concerns.*

Addressing Pilot Shortage via Workforce Development. You know better than most about the tight pool of trained pilots, the predicted future pilot shortage and the challenges facing veterans to transition to careers as pilots. The cost of flight training is prohibitively expensive and a significant barrier to getting trained pilots into the pipeline. These high costs make it difficult for veterans to use their GI bill benefits to pursue an aviation career. Congress gave FAA the authority in the 2018 FAA Reauthorization Act to create a grant program to facilitate the education of future pilots.

Question 2. How can FAA leverage this new authority to create a grant program to educate future pilots to maximize opportunity for veterans to pursue careers as pilots?

Response: *If confirmed by the Senate, I look forward to working with Secretary Chao on the Forces to Flyers initiative to create opportunities for veterans, and by engaging all our stakeholders in creating opportunities for those interested in pursuing careers in aviation.*

- What can FAA do to reel in costs and lower barriers?

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Response: *If confirmed by the Senate, I look forward to working with Secretary Chao in implementing section 625 of the 2018 FAA Reauthorization Act, and engaging all our stakeholders in developing pathways for individuals to pursue careers in aviation.*

- What can FAA do to encourage major airlines to support veterans' training?

Response: *As I mentioned above, if confirmed by the Senate, I look forward to working with Secretary Chao on the Forces to Flyers initiative and to using all of the authority Congress has provided to bolster the aviation workforce.*

Agricultural Sector Represented on Drone Advisory Committee. The agriculture sector is one of the fastest growing adopters of drone technology in the United States.

Question 3. Will you ensure that the Drone Advisory Committee membership reflects the diverse and broad interests of stakeholders and user communities with the inclusion of a representative from the agriculture community?

Response: *It is my understanding that the current Drone Advisory Committee members include representatives from rural states (Kansas Department of Transportation), as well as UAS operators involved in the agricultural sector (PrecisionHawk). If confirmed by the Senate, I will work to ensure that we maintain a broad and diverse representation of stakeholders on the Drone Advisory Committee.*

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Senator Kyrsten Sinema

Written Questions Submitted by Hon. Kyrsten Sinema to Mr. Stephen Dickson:

Mr. Dickson, in my role as the Ranking Member of the Senate Commerce Committee Aviation and Space Subcommittee, I look forward to working closely with you if you are confirmed to this position to ensure that United States remains the global leader in aviation safety. Arizona has unique challenges and opportunities related to the FAA, and I expect we can work cooperatively to address those. For example, Arizona has: Phoenix Sky Harbor, one of the largest airports in the United States by passenger volume; Phoenix Deer Valley, the busiest general aviation airport in the world; and numerous medium and small airports across the state.

My first question is related to Sky Harbor. Are you aware of the history of noise problems at Sky Harbor and the 2017 D.C. Circuit case striking down the FAA's new flight routes at Sky Harbor as arbitrary and capricious, based on the lack of coordination and cooperation with the City of Phoenix? The FAA has been actively working to address the problem to the west of the airport and held three workshops in Phoenix over the past months. However, the noise problem persists to the east of the airport.

Question 1. In your new role as FAA administrator, will you commit to working with all Valley residents — both east and west of the airport — still being impacted by aircraft overflights to address their noise problem?

Response: *One of my highest priorities with respect to noise issues is stakeholder engagement. After safety, in my testimony I emphasized the importance of stakeholder engagement as one of the four most important priorities for the FAA. If confirmed, I will ensure that the FAA fully engages with communities, airports and other stakeholders to address noise issues in a fully open and transparent manner.*

Question 2. Regarding the eastbound departure routes from Sky Harbor, will you commit to engage in government-to-government consultation with the Salt River Pima Maricopa Indian Community, as is called for in FAA Policy?

Response: *As I stated above, stakeholder engagement is a priority of mine with respect to noise issues faced by communities. If confirmed, I will ensure that the FAA fully engages with communities, airports and other stakeholders, in accordance with FAA policy, to address noise issues in a fully open and transparent manner.*

Mr. Dickson, Phoenix Deer Valley is the busiest general aviation airport in the world. General aviation airports have unique challenges that commercial airports do not face.

Question 3. What will you do in this role to support general aviation airports, particularly very busy general aviation airports such as Deer Valley?

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Response: *I fully recognize the importance of general aviation in the United States and the role it plays in transportation and commerce generally. I strongly support a robust general aviation industry. I am aware that the FAA works closely with general aviation airports on many issues including air traffic and airport development. If confirmed, I look forward to working with you on your priorities for the Phoenix Deer Valley airport.*

The Phoenix-Mesa Gateway Airport is another rapidly growing airport in Arizona. As a growing airport that handles approximately 300,000 annual operations, Gateway Airport applied for, but was not granted, a supplemental funding award for a new air traffic control tower. The request for the new tower project is based on ongoing parallax and airfield line of sight issues and will increase safety at the airport.

Question 4. Will you commit that you and your staff will closely review this project for future federal funding opportunities?

Response: *I am a strong proponent of smaller and secondary airports. If confirmed, I look forward to working with you to learn more about the needs of the Phoenix-Mesa Gateway Airport and to discuss with you the possible ways in which the FAA may be able to assist with the needs of the airport.*

Mr. Dickson, along with my colleagues, I have introduced S. 919, the Space Frontier Act, which includes several provisions that impact use of the National Airspace System. Foremost, the bill directs the FAA to update regulations for commercial launch and reentry licensing. It also directs the Secretary of Transportation to prepare a report on the current state of policies and tools used to integrate launch and reentry into the NAS and recommend any new policies or tools needed to more efficiently and safely manage the NAS.

Question 5. Are you aware of this legislation and what thoughts do you have regarding the integration of space launches into the NAS?

Response: *I am aware of the Space Frontier Act, and if confirmed I look forward to learning more about its provisions and their implications. My understanding is that integration of commercial space launches into the National Airspace System is a top priority for the FAA and the FAA recently published a proposed rule to update and streamline the launch and reentry regulations. I recognize the importance of balancing the needs of all airspace users and if confirmed, I will work diligently to achieve the FAA's priority of safely integrating commercial space launches into the national airspace system.*

Mr. Dickson, regarding unmanned aircraft systems, the FAA Extension, Safety, and Security Act of 2016 required the FAA to develop standards for remote identification of unmanned aircraft. As you know, these rules are an important prerequisite before the FAA and the UAS industry can move forward.

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Question 6. Can you commit to advance these rules as quickly as possible?

Response: *I agree that developing standards for remote identification of UAS is an important priority and that it is fundamental to both the safety and security of drone operations moving forward. If confirmed, I will work to advance the necessary rules as quickly as possible.*

- Additionally, what are your thoughts on the related issue of Counter-UAS technology?

Response: *My understanding is that the FAA is currently working to assess counter UAS technologies. It is also my understanding that authority for counter UAS activities is currently limited to other federal agencies. I understand the FAA's priority is to work with these agencies to ensure the safety of civil aviation. If confirmed, I will continue to support the FAA's work to assess the UAS technologies and to work with the FAA's security partners to ensure their activities are coordinated with the FAA to ensure the safety of civil aviation.*

- Recently, the FAA released information stating that it “does not support the use of counter-UAS systems by any entities other than federal departments with explicit statutory authority to use this technology.” In your opinion, what is the appropriate role for such technologies?

Response: *As I mentioned above, my understanding is that the FAA continues to assess the available technology. Although the implementation of counter-UAS technologies is not within the FAA's jurisdiction, these technologies should help to address malign actors who might pose security or safety risks, or raise privacy concerns. But in doing so, they must not create an even greater safety risk to the aviation system. If confirmed, my priority will be to continue the FAA's work with those agencies that are authorized to engage in counter UAS activities to ensure the safety of civil aviation.*

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Senator Jacky Rosen

Written Questions Submitted by Hon. Jacky Rosen to Mr. Stephen Dickson:

As a House Member, I was proud to co-sponsor legislation to require the FAA to mandate the installation of secondary cockpit barriers on commercial aircraft in order to prevent access to the flight deck. Such barriers have the real potential to stop a terrorist attack or other hijacking. Section 336 of the FAA Reauthorization Act of 2018 requires the FAA to issue an order by this coming October requiring the installation of secondary cockpit barriers on “each new aircraft that is manufactured for delivery” to a Part 121 passenger air carrier. However, the FAA recently described to the industry a process for completing this work that would effectively ignore performance standards and which could lead to a very long, drawn-out process for the Aviation Rulemaking Advisory Committee.

Question 1. If confirmed as FAA Administrator, what assurances can you provide to Congress that the FAA will meet its October deadline for this safety-critical initiative?

Response: *It is my understanding that the FAA plans to task the Aviation Rulemaking Advisory Committee to study secondary cockpit barriers and make recommendations concerning their use and installation in aircraft. If confirmed by the Senate, I look forward to leading the FAA as it reviews the ARAC recommendations and works to implement this provision.*

Question 2. If confirmed, are you committed to focusing your energies as FAA Administrator specifically on the safety challenges facing the FAA and our national airspace, and do you further pledge to steer clear of any issues that may implicate potential conflicts of interest, including any that may have been disclosed on your questionnaire for the Committee?

Response: *Safety of the national airspace will absolutely be my top priority if confirmed as Administrator. If confirmed by the Senate, I will abide by all applicable ethical restrictions in accordance with advice from agency ethics officials.*

Mr. Dickson, Reno-Tahoe International Airport, located in my state of Nevada, has been facing two challenges with the Federal Aviation Administration: 1) general lack of responsiveness in receiving approval letters for grants, and 2) lack of feedback from the FAA on the airport’s recent Section 163 request, which is inhibiting its ability to work with non-aeronautical land developers.

The Reno-Tahoe International Airport and Reno-Stead Airports are located in the northwestern part of the state, approximately twenty-two miles from Lake Tahoe. Construction season in this area is limited to the spring and summer months. Because of this limited timeframe, timeliness of FAA responses to approval requests is crucial. As some applications take a full 180 days to process – barring objections by airlines and any additional process delays – any delay in receiving approval for grant funding significantly and adversely affects the airport’s ability to schedule critical projects.

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In this same vein, the airport faces potential missed opportunities due to lack of FAA responsiveness in Section 163 approvals. In the 2018 FAA Reauthorization Act, Section 163 directed the FAA to develop more efficient review procedures for the development of non-aeronautical lands under the control of airports. At Reno-Tahoe International Airport and Reno-Stead Airports, there are several pieces of land that are distant, if not totally disconnected from the airfield, which could be developed for non-aeronautical purposes, which is just what Section 163 contemplated. However, based on the unduly stringent requirements placed on the development of these properties by the FAA and the long length of time for approval, airports like Reno-Tahoe can't fairly compete against property just outside the airport fence for development opportunities. Therefore, the airports are missing out on opportunities to diversify their revenue streams.

Question 3. As FAA Administrator, will you commit to being more responsive and timely in approving grant applications, particularly when time is of the essence for project completion, and more vigilant in keeping potential grantees abreast of developments and of the status of their applications?

Response: *If confirmed, I will work to ensure that FAA's consideration of grant applications is conducted in as timely a manner as possible, while adhering to statutory requirements. I understand the importance of keeping applicants informed and will work to ensure that information is shared with them as quickly as possible.*

- Can you work on announcing grants earlier for potential grantees located in areas with shortened construction seasons, for whom timeliness is particularly important?

Response: *I appreciate the time constraints for areas that have a shortened construction season and, if confirmed, will work to ensure that grant awards and announcements are completed as quickly as possible*

- Likewise, if confirmed, will you immediately provide a status update on Reno-Tahoe Airport's Section 163 request? And will you commit to following Section 163 as Congress intended?

Response: *If confirmed, I look forward to working with you to learn more about the Reno-Tahoe Airport request and ensuring that relevant statutory requirements are followed by the FAA.*