

United States Senate

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April 29, 2019

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

Dear Acting Administrator Elwell:

I write in the wake of disturbing reports indicating that the Federal Aviation Administration (FAA) failed to conduct adequate safety reviews of the Boeing 737 MAX aircraft's Maneuvering Characteristics Augmentation System (MCAS) before these planes were allowed to carry passengers. FAA safety reviews during the certification process must be thorough and not limited in their approach. This glaring lapse in the safety oversight process by the agency must be addressed immediately. I demand that your agency make changes to its current policy and practices so that required safety reviews are conducted for modifications made to aircraft that affect all phases of flight – not just high-speed maneuvers. Moreover, pending ongoing investigations into the two deadly crashes involving the Boeing 737 MAX 8, the FAA must conduct a new, independent, and robust review of 737 MAX 8 and 9 aircraft. This must involve repeated actual flight testing of the systems during all critical phases of flight – including but not limited to takeoff, initial climb, final approach, and landing – before these planes are allowed to fly again.

According to recent reporting, Boeing made significant changes to the automated anti-stall system when updating the 737 MAX aircraft, making the system more powerful and active in more situations. In spite of critical changes that would impact the aircraft at low speeds like takeoff, the FAA did not conduct a safety review because FAA rules only require analysis of changes to systems affecting certain phases of flight – namely higher cruise speeds. As a result of these rules, the FAA missed a critical opportunity to evaluate this updated system. In the wake of hundreds of passenger deaths following the crashes of two 737 MAX aircraft, it is imperative that the FAA change their safety evaluation rules immediately to prevent similar lapses in the future.

Additionally, multiple airlines have now extended flight cancellations of Boeing 737 MAX aircraft until August 2019 due to a lack of confidence in the aircraft. In order to restore confidence to airlines and consumers, the FAA must conduct an additional and thorough safety review of any and all updates and changes made to the aircraft. To date, the FAA has required Boeing to make two additional software updates affecting the 737 MAX's MCAS, flaps, and other flight control hardware. Scrutiny of the entire aircraft at all phases of flight is paramount to the credibility of this review.

The world's confidence in the FAA's independence and oversight ability is shaken. The public's fear of flying in the 737 MAX remains unaddressed. And with too much frequency, we learn of new features of this aircraft that escaped oversight. A new, robust review of all software updates to the 737 MAX aircraft is now imperative, and your agency must make changes to its rules so that the safety of future modifications to aircraft is always assured.

Thank you for your attention to this important request.

Sincerely,

A handwritten signature in blue ink, appearing to read "Richard Blumenthal". The signature is fluid and cursive, with the first name "Richard" and last name "Blumenthal" clearly distinguishable.

Richard Blumenthal
United States Senate