

Congress of the United States
Washington, DC 20515

July 3, 2019

The Honorable Elaine Chao
Secretary of Transportation
U.S. Department of Transportation
1200 New Jersey Ave, SE
Washington, DC 20590

Dear Secretary Chao:

We are writing to clarify the legislative intent for a provision in the FAA Reauthorization (P.L. 115-254), which requires the installation of secondary cockpit barriers on all new passenger aircraft. It has come to our attention that certain parties are seeking to undermine the clear statutory meaning of the provision or otherwise delay the law's implementation. The provision (Section 336, the Saracini Aviation Safety Act of 2018) specifically requires the "installation of a secondary cockpit barrier on each new aircraft that is manufactured for delivery to a passenger air carrier in the United States operating under the provisions of part 121 of title 14, Code of Federal Regulations." Congress drafted this language with the clear intent to apply secondary barriers to all new manufactured aircraft; therefore, any attempt by the FAA to reinterpret the provision more narrowly or to further study these well-understood security barriers would substantially delay implementation and evade incontrovertible Congressional intent.

What is so profoundly troubling is the assertion made by opponents of the provision claiming that the statute was intended to apply only to new "models" of aircraft that require a new type certificate. This was not our intent. If this had been our original intent, the language would have specifically mentioned new type certificated aircraft. Requiring the application of secondary barriers for only new type certificates is a vastly different standard than the new aircraft requirement that was agreed to on a bipartisan basis in both the House and Senate. A "new type" standard would only cover aircraft that are not currently in production and for which a "proposed change in design, power, thrust, or weight is so extensive that substantially complete investigation of compliance with the applicable regulations is required."¹ Orders requiring new type certificates are quite rare; in fact, a 2015 ICF International report finds it is "unlikely a new type design will seek certification in the next 10 to 15 years." Even in the event an order is placed on a new type design, it takes on average 8-10 years to develop such an aircraft. Effectively, this new type standard would delay application of this post-9/11 security requirement for decades. This is the reason our language is specific to exclude any mention of new type certificates and instead deliberately chose secondary barriers to apply to all newly manufactured aircraft off the production line after the specified date in the provision. On this point, the provision's language could not be more clear.

The legislative history from each chamber of Congress is unambiguous on this matter. The language in the Senate bill base text and the language that was added to the House bill by amendment during full

¹ 14 CFR 21.19

committee markup both clearly require the installation of secondary barriers on all newly manufactured aircraft delivered to part 121 passenger air carriers. There had never been any deviation to consider new type certificate aircraft at any time during the bill's consideration.

Similarly, opponents are also suggesting that secondary barriers need further study, require the establishment of an aviation rulemaking committee, or that manufacturers should be allowed an alternative means of complying with the legal mandate. The design of secondary barriers is well established, studied, have been installed on part 121 carriers dating back more than a decade, and their installation is required by the law. In 2011, RTCA Inc. – a private sector firm that works with the FAA – completed a comprehensive study at the request of industry stakeholders on secondary barriers to provide manufacturers and carriers with an acceptable means of understanding and complying with regulations on secondary barriers. Therefore, attempts to exhaust more resources or time studying these barriers can only be interpreted as a diversionary delay tactic; and any effort to find another means of complying violates the clear terms of the statute to install these barriers by October 2019.

Safety and security are our foremost priorities and secondary cockpit barriers address known weaknesses and risks that will help keep passengers, flight crew, and the American public safe. An FAA official testified before the Transportation and Infrastructure Committee that some types of barriers have already been approved for use. Our intent is to have secondary cockpit barriers adopted as soon as possible as required by P.L. 115-254.

We appreciate your time and look forward to working with you to implement the provision as intended by Congress.

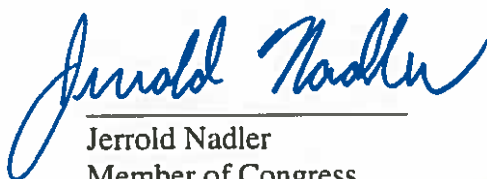
Sincerely,



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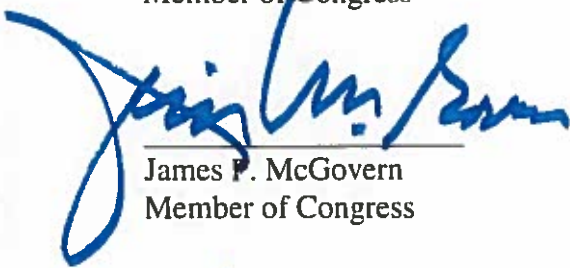
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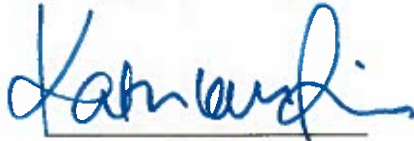
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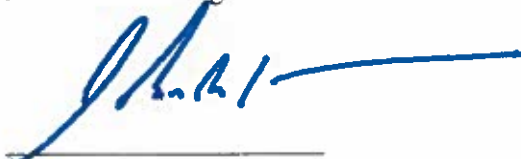
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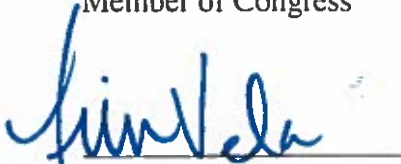
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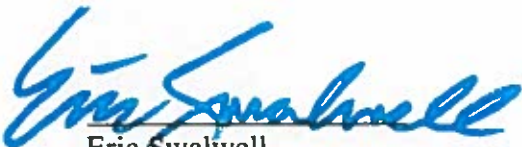
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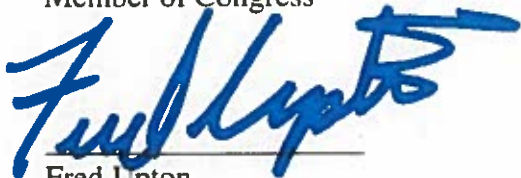
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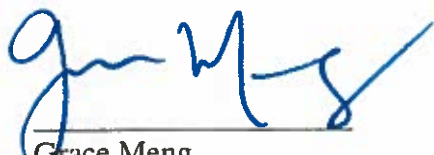
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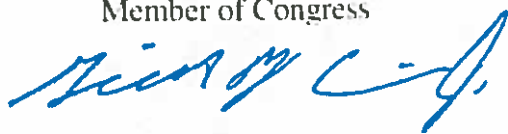
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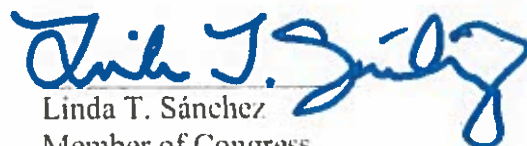
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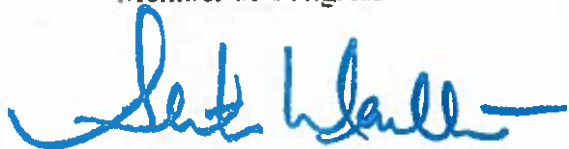
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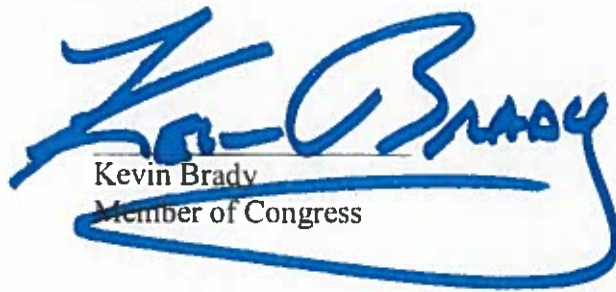
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