



Committee on Transportation and Infrastructure
U.S. House of Representatives
Washington, DC 20515

Peter A. DeFazio
Chairman

Katherine W. Dedrick, Staff Director

Sam Graves
Ranking Member

Paul J. Sass, Republican Staff Director

October 18, 2019

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

Dear Secretary Chao:

I am deeply troubled by the emails and instant messages between two Boeing employees related to the 737 MAX airplane that the Federal Aviation Administration (FAA) delivered to our Committee today. These messages indicate that Boeing withheld damning information from the FAA, which is highly disturbing. Equally disturbing is the fact that the second tranche of emails delivered by the FAA contain emails from a Boeing employee to an FAA employee equating the certification process for the 737 MAX with “jedi-mind” tricks and boasting that the Boeing employee “usually get[s] what I want,” indicating improper coziness between the regulator and the regulated— coziness which I prohibited in legislation in 1996. As a result, I am requesting the Department of Transportation respond immediately with unredacted emails so that we can assess these emails in their full context.

What’s more, it is unacceptable that my Committee is just now learning of the existence of these emails. As part of my Committee’s ongoing investigation into the design, development, and certification of the Boeing 737 MAX, I requested the FAA provide emails related to the 737 MAX on April 1, 2019. In May 2019, FAA officials acknowledged to my staff that the FAA had identified an estimated 2,600 emails responsive to my request from the FAA’s Aircraft Evaluation Group (AEG) in Seattle alone. They also indicated that they had identified a fuller body of more than 500,000 emails responsive to the Committee’s request. Until this morning, the FAA had only delivered a few hundred emails to the Committee, although it had delivered tens of thousands of responsive documents.

One of the emails provided this morning from Mark Forkner, Boeing’s Chief Technical Pilot on the 737 MAX aircraft at the time, was sent to an unidentified individual at the FAA in November 2016. That email says: “Things are calming down a bit for my airplane cert, at least for now. I’m doing a bunch of travelling though the next few months; simulator validations, jedi-mind tricking regulators into accepting the training that I got accepted by FAA etc.” That is an outrageous email

The Hon. Elaine Chao
Oct. 18, 2019
Page 2

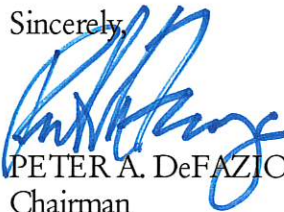
and I am even more outraged by the fact the FAA did not provide this email and others to the Committee months ago.

The FAA has also slow-walked our request to interview FAA employees, and it wasn't until I spoke directly to FAA Administrator Dickson that our staff was able to begin interviewing some FAA employees. In at least one case, the FAA failed to respond to repeated requests to interview an FAA official involved in the 737 MAX program. It is imperative that Committee staff is given access to the individuals they need to interview for our ongoing investigation without delay.

I expect the Department of Transportation to immediately respond to my April 1, 2019, records request letter to the FAA with unredacted emails and documents. In addition, please also provide the Committee with unredacted versions of the emails you provided to us today.

As I have said repeatedly throughout the course of my Committee's investigation, it is imperative that we get answers as to what went wrong, resulting in the two crashes and the deaths of 346 people. On behalf of the victims and their loved ones, as well as the entire flying public, safety must always be the priority. I expect your full cooperation going forward.

Sincerely,



PETER A. DeFAZIO
Chairman

Cc: The Honorable Stephen M. Dickson
Administrator, The Federal Aviation Administration

The Honorable Sam Graves
Ranking Member