

United States Senate

WASHINGTON, DC 20510

February 12, 2019

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

Dear Secretary Chao:

We write today regarding the protection of America's flight crews and travelling public. Section 336 of the Federal Aviation Administration (FAA) Reauthorization (PL 115-254) requires "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."

It has come to our attention that stakeholders argue the above language refers to only new "models" of aircraft that require a new type certificate. This misinterpretation falls well outside the letter of the law and the intent of Congress. Had our goal been to change the certification requirements to apply to each *type* of new aircraft, the language would have specifically stated new type certificated aircraft. Instead, the Senate and the House chose this language, which clearly expresses Congress' requirement that physically installed secondary barriers exist on *all* newly manufactured aircraft delivered to part 121 passenger air carriers (not just new types, or models, of aircraft).

As we understand it, the same groups that opposed inclusion of this requirement during consideration of the FAA reauthorization are now trying to restrict the application of this new law. Congress considered their arguments during debate on the FAA bill and they were rejected. The U.S. fleet is in need of secondary barriers, which have been shown to significantly decrease the threat of a hostile takeover of the cockpit. Claiming Congress meant to express anything other than newly manufactured aircraft is inaccurate.

Please consider this letter as an open invitation to contact our offices at any time for more information and a full legislative history of this issue. We are looking forward to seeing a directive from the FAA mandating secondary barriers on these aircraft no later than October 5, 2019, as required by law.

Sincerely,



Robert P. Casey, Jr.
United States Senator



Pat Toomey
United States Senator