

United States Senate

WASHINGTON, DC 20510

June 1, 2023

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

The Honorable Billy Nolen
Acting Administrator
Federal Aviation Administration
800 Independence Avenue, SW
Washington, DC 20591

Dear Secretary Buttigieg and Administrator Nolen:

We write today requesting information on the Federal Aviation Administration's (FAA) work to implement the proposed rule requiring the installation of secondary cockpit barriers on certain commercial airlines ("Installation and Operation of Flightdeck Installed Physical Secondary Barriers on Transport Category Airplanes in Part 121 Service," Docket No. FAA-2022-0772).

The FAA Reauthorization Act of 2018 (PL 115-254), which passed the House of Representatives and the Senate with broad bipartisan support, included the *Saracini Aviation Safety Act of 2018*. This provision directed the FAA to issue a rule, "not later than 1 year after the date of the enactment of this Act," requiring that new aircraft have a secondary barrier preventing unauthorized entry into the cockpit. This provision would help ensure the safety of pilots and passengers alike.


On July 27th, 2022, more than two years after the Congressionally mandated deadline, the FAA issued the Notice of Proposed Rulemaking on the secondary barrier rule. The sixty-day public comment window closed in September of 2022, but there has been no public update as to the status of the proposed rule.

As supporters of the goals of the *Saracini Aviation Safety Act*, we have serious concerns about the implications of further delays on issuing the final rule. Hundreds of new planes have entered use since October 5, 2019, the statutory date for implementation of the rule, but none of these aircraft were required to be equipped with secondary barriers. With the average airplane staying in commercial service for 20 – 30 years, this means that **millions of flights will occur without the Congressionally required safety mechanisms in place**. Further delays in implementation, compounded by the two-year transition period in the proposed rule, will only increase that number.


To that end, we respectfully request that the FAA provide us with an update on its timeline for issuing the final rule, as well as the agency's plans for addressing the safety of planes that have entered use in the last several years having avoided the necessary safety installations that Congress intended.

Thank you for your work on this and other issues related to the safety of our Nation's aviation system. Should you have any questions, please contact Senator Casey's staff at (202) 224-6324.

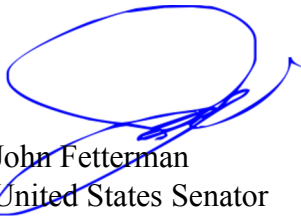
Sincerely,

A handwritten signature in blue ink that reads "Bob Casey".

Robert P. Casey, Jr.
United States Senator

A handwritten signature in blue ink that reads "Edward J. Markey".

Edward J. Markey
United States Senator

A handwritten signature in blue ink that reads "John Fetterman".

John Fetterman
United States Senator