

# United States Senate

COMMITTEE ON  
HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS  
WASHINGTON, DC 20510-6250

DAVID M. WEINBERG, STAFF DIRECTOR  
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March 19, 2024

## VIA ELECTRONIC MAIL

The Honorable Michael Whitaker  
Administrator  
Federal Aviation Administration  
800 Independence Avenue, SW  
Washington, D.C. 20591

Dear Administrator Whitaker:

The Senate Permanent Subcommittee on Investigations (“the Subcommittee”) has recently obtained information from a whistleblower at the Boeing Company (“Boeing”) alleging alarming and dangerous manufacturing deficiencies that “are creating potentially catastrophic safety risks.”<sup>1</sup> According to these records, the whistleblower raised these allegations with your office.

Recently, the whistleblower, a current Boeing quality engineer, informed the Subcommittee that in 2021 and 2022, the whistleblower identified and reported issues with the manufacturing of Boeing 787 airplanes.<sup>2</sup> According to documents provided by the whistleblower, on January 19, 2024, the whistleblower’s attorney sent you a letter detailing the whistleblower’s allegations.<sup>3</sup> The letter states that in 2021, the whistleblower first learned that “Boeing had begun taking shortcuts” to “reduce bottlenecks in the production of 787s” leading to “faulty engineering and faulty evaluation of the data, which has allowed potentially defective parts and installations in 787 fleets.”<sup>4</sup> The whistleblower’s attorney alleges that these engineering problems could ultimately “cause a premature fatigue failure without any warning, thus creating unsafe conditions for the aircraft with potentially catastrophic accidents and passenger fatalities.”<sup>5</sup>

According to the January 19, 2024 letter sent to your office, the same engineer also identified and reported to Boeing’s management assembly defects in Boeing 777 airplanes.<sup>6</sup> In this letter, the attorney reported that the whistleblower allegedly found “significant

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<sup>1</sup> Letter from Debra Katz to Michael Whitaker, Adm’r, Fed. Aviation Admin., at 1 (Jan. 19, 2024) (on file with the Subcommittee).

<sup>2</sup> *Id.* (on file with the Subcommittee).

<sup>3</sup> *Id.* (on file with the Subcommittee).

<sup>4</sup> *Id.* at 2 (on file with the Subcommittee).

<sup>5</sup> *Id.* (on file with the Subcommittee).

<sup>6</sup> *Id.* at 4 (on file with the Subcommittee).

misalignments between parts in the assembly of at least 400 777 airplanes.”<sup>7</sup> According to the whistleblower’s attorney:

Boeing has ignored [the whistleblower’s] concerns and has failed to take remedial action. Instead, it has retaliated against [the whistleblower] by sidelining [the whistleblower] and excluding [the whistleblower] from key meetings. [The whistleblower’s] supervisor has subjected [the whistleblower] to repeated threats and Boeing has prevented [the whistleblower] from consulting with subject matter experts to implement approaches that would prevent these dangerous defects.<sup>8</sup>

These whistleblower allegations follow several contemporaneous reports, including the Federal Aviation Administration’s (“FAA”) own analysis, that have called into question Boeing’s safety policies and practices.<sup>9</sup>

After the whistleblower’s attorney sent you the January 19, 2024 letter that detailed the whistleblower’s allegations, the FAA did not respond.<sup>10</sup> As a result, the whistleblower’s attorney sent you another letter dated January 30, 2024, underscoring the urgency of the whistleblower’s allegations.<sup>11</sup> According to that letter, the whistleblower provided your office with records “support[ing] [the whistleblower’s] concerns about the 787 and 777.”<sup>12</sup> It was not until February 1, 2024, that the FAA’s Office of Audit and Evaluation responded to the whistleblower’s attorney, informing them that an investigation had been opened.<sup>13</sup>

Pursuant to its authority under Senate Resolution 59 (118th Cong.), and Rule XXVI of the Standing Rules of the Senate, please provide the following information, documents, and

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<sup>7</sup> *Id.* at 3 (on file with the Subcommittee).

<sup>8</sup> *Id.* at 4.

<sup>9</sup> See generally Ayana Archie, *Before a door plug flew off a Boeing plane, an advisory light came on 3 times*, NPR (Jan. 8, 2024), <https://www.npr.org/2024/01/08/1223427243/boeing-flight-door-plug-alaska-airlines>; Fed. Aviation Admin., *Section 103 Organization Designation Authorizations (ODA) for Transport Airplanes Expert Panel Review Report*, [https://www.faa.gov/newsroom/Sec103\\_ExpertPanelReview\\_Report\\_Final.pdf](https://www.faa.gov/newsroom/Sec103_ExpertPanelReview_Report_Final.pdf) (last visited Mar. 18, 2024); Press Release, Fed. Aviation Admin., *Updates on Boeing 737-9 MAX Aircraft* (Mar. 4, 2024), <https://www.faa.gov/newsroom/updates-boeing-737-9-max-aircraft>; Mark Walker, *F.A.A. Audit of Boeing’s 737 Max Production Found Dozens of Issues*, N.Y. TIMES (Mar. 11, 2024), <https://www.nytimes.com/2024/03/11/us/politics/faa-audit-boeing-737-max.html>; Antonia Pequeño IV, *Tire Falls Off United Airlines Boeing Flight While Departing San Francisco*, FORBES (Mar. 7, 2024), <https://www.forbes.com/sites/antoniopequenoiv/2024/03/07/tire-falls-off-united-airlines-boeing-flight-while-departing-san-francisco/?sh=464e3ebb7b72>; Patrick Smith, *50 people injured after a ‘strong movement’ on Boeing flight to New Zealand*, NBC NEWS (Mar. 11, 2024), <https://www.nbcnews.com/news/world/50-people-injured-strong-movement-boeing-flight-new-zealand-rcna142405>; Lawrence Richard, *Boeing plane forced to make emergency landing at LAX after possible mechanical issue*, FOX BUSINESS (Mar. 14, 2024), <https://www.foxbusiness.com/lifestyle/boeing-plane-forced-emergency-landing-lax-possible-mechanical-issue>.

<sup>10</sup> Letter from Debra Katz to Michael Whitaker, Adm’r, Fed. Aviation Admin., at 1 (Jan. 30, 2024) (on file with the Subcommittee).

<sup>11</sup> *Id.* (on file with the Subcommittee).

<sup>12</sup> *Id.* at 2 (on file with the Subcommittee).

<sup>13</sup> Email on file with the Subcommittee.

requested briefing by April 9, 2024. The period covered by this request is January 1, 2018 to present,<sup>14</sup> unless otherwise stated.

1. All records<sup>15</sup> referring or relating to Boeing's policies and procedures for safety management, including, but not limited to, safety reporting policies and procedures.
2. All records referring or relating to the letters from Katz Banks Kumin dated January 19 and January 30, 2024, including, but not limited to, any communications referring or relating to the allegations contained in these letters.
3. All communications from or to the Office of Audit and Evaluations referring or relating to the Boeing 787 and 777.
4. All records referring or related to manufacturing and quality control of all Boeing 777 and 787 variants, including, but not limited to, any risk-based reviews, models, or assessments, along with any safety concerns or complaints raised for these aircraft.
5. All records referring or relating to any variant of the Boeing 777 and/or 787 fuselage fatigue, fuselage stress, fuselage deformation, fuselage cracks, fuselage gaps, fuselage cavities, fuselage warping, fuselage-related shimming or re-shimming, "fit-up force", "pull-up force", "one-up assembly process", fuselage automated upright build process, or other fuselage-related concerns or problems, including, but not limited to, records generated by aircraft operators, maintenance facilities, Boeing contractors, subcontractors, and vendors.
6. All records referring or relating to the findings of the six-week audit of Boeing and Spirit AeroSystems completed March 2024, including all documents relied upon in conducting the audit.<sup>16</sup>
7. A list of all individuals, including their titles, interviewed by the Organization Designation Authority Expert Review Panel formed under Section 103 of the Aircraft Certification, Safety, and Accountability Act.<sup>17</sup>

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<sup>14</sup> For purposes of this request letter, "the present" means the date of FAA's most recent submission to the Subcommittee.

<sup>15</sup> "Records" include any written, recorded, or graphic material of any kind, including letters, memoranda, reports, notes, electronic data (emails, email attachments, and any other electronically-created or stored information), calendar entries, inter-office communications, meeting minutes, phone/voice mail or recordings/records of verbal communications, and drafts (whether or not they resulted in final documents).

<sup>16</sup> Press Release, Fed. Aviation Admin., Updates on Boeing 737-9 MAX Aircraft (Mar. 4, 2024), <https://www.faa.gov/newsroom/updates-boeing-737-9-max-aircraft>.

<sup>17</sup> Fed. Aviation Admin., Section 103 Organization Designation Authorizations (ODA) for Transport Airplanes Expert Panel Review Report, [https://www.faa.gov/newsroom/Sec103\\_ExpertPanelReview\\_Report\\_Final.pdf](https://www.faa.gov/newsroom/Sec103_ExpertPanelReview_Report_Final.pdf) (last visited Mar. 18, 2024).

In addition, we request a briefing regarding the FAA's investigation into Boeing's manufacturing and production processes, along with the investigation associated with the whistleblower's case.<sup>18</sup>

To expedite the Subcommittee's review, please submit the material responsive to this request on an ongoing basis as it becomes available. To avoid any unnecessary delays with this production, please carefully review the attached *Procedures for Transmitting Documents to the Permanent Subcommittee on Investigations*. Thank you for your attention to this request.

Sincerely,



Richard Blumenthal  
Chairman  
Permanent Subcommittee on Investigations



Ron Johnson  
Ranking Member  
Permanent Subcommittee on Investigations

cc: The Honorable Eric J. Soskin  
Inspector General  
Department of Transportation

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<sup>18</sup> Press Release, Fed. Aviation Admin., FAA Halts Boeing MAX Production Expansion to Improve Quality Control, Also Lays Out Extensive Inspection and Maintenance Process to Allow Boeing 737-9 MAX Aircraft to Return to Service (Jan. 24, 2024), <https://www.faa.gov/newsroom/faa-halts-boeing-max-production-expansion-improve-quality-control-also-lays-out-extensive>; Email from FAA Off. to Whistleblower Att'ys (Feb. 1, 2024) (on file with the Subcommittee).