

# United States Senate

WASHINGTON, DC 20510

March 7, 2013

The Honorable Michael Huerta  
Administrator  
Federal Aviation Administration  
800 Independence Avenue SW  
Washington, DC 20591

Dear Administrator Huerta:

Thank you for your February 12, 2013, response to my December 11, 2012, letter regarding the in-flight use of portable electronic devices (PEDs). I appreciate the interest you expressed in taking a fresh look at the Federal Aviation Administration's (FAA) current rules on the matter and the actions you have taken toward that end. However, I remain concerned by your lack of direct engagement and that of the FAA more generally on this issue.

As I noted in my earlier letter, establishing the Aviation Rulemaking Committee (ARC) that is currently reviewing the issue of in-flight PEDs represents an important step toward revising the FAA's long-standing and outdated rules on the issue. I look forward to reviewing the ARC's recommendations this summer. However, we both know far more must be done.

I am concerned that relying on the ARC to drive change on this issue creates the potential for the process to drag on indefinitely. Many stakeholders have entrenched positions on this issue and have long resisted commonsense changes to the PED rules. Ultimately, it will be up to the FAA, and you as its Administrator, to provide leadership, make a decision and compel the needed changes to the current rules. With this in mind, I was disappointed by the lack of commitment to the matter in your response.

Of course, safety must be the first consideration in any matter involving air travel. But the general public and many in Congress, certainly myself included, long ago rejected the idea that the current PED rules are any longer about safety. I am confident that when the agency looks at what makes sense for safety, for the limited resources of aircraft cabin crews to enforce rules, and for consumer satisfaction, it will have no choice but to act quickly to revise the current rules in order to allow expanded use of PEDs in flight.

You raised the issue of in-flight cellular communications. To be clear, I am not currently advocating for the use of cell phones for voice communications during flight. Simply put, electronic devices that are currently allowed above 10,000 feet should be allowed for use during all phases of flight. It is preposterous to think that an e-reader in a passenger's hands during takeoff is anymore a threat to other passengers or crew members than a hardback book.

In general, I recognize the value of this issue being handled through a collaborative, thoughtful rulemaking process. And the FAA should continue to have the flexibility to adapt to technological advances in both portable electronic devices and aircraft equipment. However, given my concerns with the agency's lack of commitment to adopt changes to the current PED rules, I am beginning to draft legislation. In the coming weeks, I will be meeting with various stakeholders to receive input on the issue, and I will be working with my colleagues to build bipartisan support for action in Congress.

As the ARC process moves forward I hope to see greater leadership from you and the FAA generally in driving changes to the PED rules. In addition to pursuing change legislatively, I stand ready to help you in any way I can to finally see commonsense changes to the FAA's policy on in-flight PEDs implemented.

Sincerely,

A handwritten signature in blue ink that reads "Claire McCaskill". The signature is fluid and cursive, with the first name "Claire" written in a large, rounded script, and the last name "McCaskill" written in a similar but slightly more compact style.

Claire McCaskill  
United States Senator