Congress Silent On Dreamliner Woes

Joan Lowy, Associated Press

WASHINGTON (AP) — As Boeing, its airline customers and federal safety regulators struggled over the past two months to solve problems with the new 787 Dreamliner's fire-plagued batteries, one player has been strangely silent: Congress.

Despite the plane's grounding and the safety issues raised by its cutting-edge technology, there have been no congressional hearings or news conferences focusing on the problems, and little commentary from lawmakers who normally pounce at the first sign of trouble.

The unusual bipartisan silence reflects Boeing's political clout, wielded by legions of lobbyists, fueled by hefty political campaign contributions and by the company's importance as a huge employer and the nation's single largest exporter. Few companies are as well positioned as Boeing to fend off a potentially damaging public investigation.

The 787's woes came up only briefly at the tail end of a recent two-hour hearing of the House aviation subcommittee. After all but a handful of members of the subcommittee had left, Federal Aviation Administrator Michael Huerta spent seven minutes answering questions about the batteries.

This week, the Senate Commerce Committee holds a hearing on the FAA and its budget, during which the members are expected to discuss aviation safety. The 787's problems aren't specifically on the agenda, but they could come up — or not. No one from Boeing is scheduled to testify.

Sen. Jay Rockefeller, D-W.Va., chairman of the commerce committee, said Boeing officials have implored him not to hold a hearing on the 787 batteries. "Their lobbyists have been saying that like crazy for weeks and weeks and weeks," he said.

"Because this is an issue of huge significance in both economic and safety terms, you would think it would be a natural for Congress," said Norman Ornstein, an expert on Congress at the American Enterprise Institute, a think tank.

It's easy to imagine House Republicans "jumping at this and bashing the administration and the FAA," he said, "but that would mean taking on a major part of the business community that has been very supportive of people chairing these committees and subcommittees."

The problems with the 787's lithium ion batteries have raised alarms about the safety of Boeing's innovative new plane. In January, a battery in a 787 parked at an airport gate in Boston erupted in flames and dense clouds of smoke, and a smoking battery aboard another 787 forced an emergency landing in Japan. But the

company's prominent profile seems to have bought it a zone of protection from criticism on Capitol Hill.

The aircraft maker has spent more than $83 million on lobbying over the past five years, according to disclosure reports. It fielded 115 lobbyists last year, both on its own payroll and at some of the best-connected lobbying and law firms in Washington. About three-quarters of those lobbyists had previously worked for Congress, the White House or federal agencies, according to the political money and influence tracking website OpenSecrets.org.

Boeing's lobbying team has been working hard in the background to keep lawmakers and their staffs in the loop about the 787's problems. Lobbyists, executives and engineers have provided frequent briefings in person or by phone on the company's effort to fix the 787's batteries and get the planes back in the air. Boeing CEO Jim McNerney has called or met with especially important players such as Transportation Secretary Ray LaHood.

Boeing has tried to be "as open and direct as possible with members of Congress and their staffs," Tim Neale, a spokesman for the company, said in an email. "The purpose of all of our interactions with the Hill on 787 batteries has been to inform members and their staffs and to answer their questions."

The FAA, which recently gave the company the go-ahead to redesign and re-test the 787's batteries, and the National Transportation Safety Board, which is investigating the Boston fire, have also provided frequent private briefings for lawmakers and their staffs. Boeing has strong ties to the FAA, which regulates the company's commercial planes, and the NTSB, which investigates safety incidents.

The FAA's aircraft certification branch reports to John Hickey, the agency's deputy associate administrator for safety, who worked for Boeing for 10 years and was the company's liaison to the FAA before joining the agency. One of NTSB's five board members, Earl Weener, was previously a Boeing chief engineer.

President Barack Obama appointed McNerney to chair his President's Export Council, which operates as an advisory committee on international trade. Obama's former commerce secretary, John Bryson, was a member of Boeing's board of directors before joining the government. In a 2011 visit to Indonesia, Obama presided over the announcement of the purchase of 230 Boeing 737s by Lion Air, a private carrier in Indonesia. It was Boeing's largest commercial airplane order.

House Transportation Committee Chairman Bill Shuster, R-Pa., said he sees no need for hearings, especially since the two agencies have their own probes under way.

"I have confidence in the FAA, I have confidence in Boeing," he said, noting that the committee has been "very well briefed."

But Jim Hall, a former NTSB chairman, had misgivings about Congress relying solely on private briefings. "Where is the public responsibility, where is the public accountability in those types of meetings?" he asked.

The NTSB has been unable to establish a root cause for the Boston fire, and its investigators are also looking into the process by which the FAA certified the 787 as safe for flight in August 2011. In recent years, the FAA has increasingly delegated responsibility for testing the components and systems of new planes to employees of aircraft manufacturers and their subcontractors. Documents released by the NTSB show the FAA delegated the testing of the 787's batteries to Boeing, which in turn delegated much of it to subcontractors.

Boeing's testing indicated the likelihood that a battery would emit smoke was 1 in 10 million flight hours. Instead, there were two smoking batteries less than two weeks apart, when the entire 787 fleet had recorded only about 52,000 flight hours.

The FAA is conducting its own review of the design, manufacture and assembly of the 787, but that isn't expected to be completed until later this year.

Shortly after the Jan. 7 fire in Boston, Rockefeller and his staff told reporters he intended to hold a 787 hearing. They quickly shelved the idea, and later scheduled a more general aviation budget and safety hearing for Wednesday.

The chairman of the panel's aviation subcommittee, Democrat Maria Cantwell, is from Boeing's home state of Washington. Asked about the possibility of a 787 hearing, she was noncommittal. She'd prefer to have hearings on the importance of "aviation manufacturing and how do we maintain a robust workforce because the U.S. industry is facing great competition from China, Brazil, and others that want to be in the business," Cantwell said.

Washington's other senator, Democrat Patty Murray, chairs the subcommittee of the Senate Appropriations Committee that oversees the FAA's and the NTSB's budgets.

Boeing employs more than 86,000 workers in Washington, mostly in the Seattle area. The company's political action committee and its employees have contributed $107,200 to Cantwell's political campaigns since 1992, more than any other industry donor except Microsoft, which is based in Redmond, Wash.

Overall, the company employs 173,000 workers, and reported about $81 billion in revenue in 2012, 54 percent of it from outside the U.S. In the last two years, the company's political committees and its employees gave federal candidates, other political action committees, political parties and outside campaign spending groups nearly $3.2 million, 54 percent to Republicans and 46 percent to Democrats.

It's doubtful that a hearing on the airliner's battery problems would produce many answers on how to improve aviation safety, said Rep. Frank LoBiondo, R-N.J., chairman of the House transportation committee's aviation panel.

"The whole focus now is to get this fixed," he said. "We are trying to let them solve the problem, and they are devoting enormous resources to doing that."

Rep. Nick Rahall, D-W.Va., the senior Democrat on the transportation committee,

said he and some other committee members are concerned a hearing might create "an unnecessary scare when there is no grounds for it," resulting in air travelers refusing to fly the planes.

"I think the parties that are part of this process would rather not see this in the public arena until they have done their proper investigations and found some answers," he said.

But another committee member, Rep. Peter DeFazio, D-Ore., said he's concerned about the growing presence of lithium ion batteries on planes, either as equipment or as cargo. They are more likely to short-circuit and start a fire than other batteries if they are damaged, defective or exposed to excessive heat.

"Is this a good idea for the future?" he asked. "Given the current technology, I think it's a bad idea."

The 787 is the first airliner to make extensive use of lithium batteries. The batteries are lighter, recharge faster and can store more energy than other types of batteries of an equivalent size. The Airbus A350, expected to be ready next year, was originally planned to make extensive use of lithium ion batteries. Airbus officials decided to switch to more conventional batteries after the 787 was grounded.

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