



*A bold voice for transportation workers*

## **CONGRESS MUST COMPLETE A MULTI-YEAR FAA REAUTHORIZATION BILL**

The aviation system plays a critical role in our national economy. It employs millions of workers both directly and indirectly; it generates nearly \$900 billion in economic activity annually; and it is responsible for 9 percent of our GDP. As stewards of our aviation network, Congress and the Administration have a responsibility to advance federal policies that ensure modern and safe air transportation.

At the beginning of the 112<sup>th</sup> Congress, both the Senate and House moved quickly to advance their versions of Federal Aviation Administration (FAA) reauthorization. While we are pleased with swift action to complete a long-overdue FAA bill, we are outraged that the pending House bill includes a provision that repeals updated airline and rail union election procedures, fails to address a number of aviation safety and worker priorities, and provides inadequate funding levels for the FAA and key modernization programs. The FAA bill, which could create up to 300,000 jobs, is too important to be derailed by ideological battles that have nothing to do with the core mission of the agency. Instead, we will insist that Congress pass an FAA bill that makes real improvements to safety, invests in modernization and infrastructure improvements, puts people to work, and protects the rights of FAA employees and other aviation workers.

As one of its first major legislative initiatives this year, the Senate brought to the floor the Air Transportation Modernization and Safety Improvement Act (S. 223). While S. 223 does not address every concern of transportation labor, it fixes the collective bargaining process for FAA employees, provides workplace safety and health protections for flight attendants, raises safety standards for aircraft repair that is outsourced overseas, addresses air quality onboard the aircraft and strengthens regulations for helicopter operations.

We are pleased the Senate, in approving a final bill 87-8, rejected several ill-advised amendments. Specifically, the Senate voted against amendments to remove the flight attendant health and safety protections in the base bill, to eliminate the prevailing wage requirement for airport construction projects, to cut funding levels to 2008 levels and to eliminate the Essential Air Service program. In addition, an amendment to create a cargo industry carve-out for pending pilot fatigue rules was withdrawn. Finally, an amendment was adopted that makes it a federal crime to shine lasers inside the aircraft cabin that are creating a dangerous and distracting environment during aircraft operations.

In contrast to the bipartisan and deliberative approach taken in the Senate, the House version of the bill (H.R. 658) was immediately mired in controversy and contentious opposition when it was introduced just days before Committee mark-up. H.R. 658 includes a provision to reverse new airline and railroad union election rules issued last year by the National Mediation Board (NMB). These rules simply allow a majority of workers who actually vote to decide the outcome of union elections in the aviation and rail sectors. Before this change, workers who did

not vote were arbitrarily counted as “no” votes, frustrating the majority of those voting. The new rule brings aviation and rail union elections into conformity with democratic norms and voting procedures that govern union elections conducted under other statutes. An amendment offered in Committee by Rep. Jerry Costello (D-IL) to remove the repeal provision from the bill failed by one vote with three Republicans joining all Democrats in support. Transportation labor will not support an FAA bill that includes the NMB rule repeal measure – failure to remove it not only threatens the rights of aviation and rail workers, but jeopardizes timely completion of an aviation reauthorization bill, currently on its 17<sup>th</sup> extension.

The House version falls short in a number of other areas as well. First, there are no measures to provide long overdue health and safety protections for flight attendants. Second, the bill does not mandate adequate oversight and safety standards of foreign repair stations working on U.S. aircraft, including drug and alcohol testing and inspections. Third, rules addressing flight attendant fatigue are not required. Fourth, the bill unwisely expands the contract-tower program. Fifth, the bill allows for the contracting-out of the development, testing and maintenance of FAA flight procedures. Sixth, it strips protections for collective bargaining agreements in the airport privatization program. Seventh, the bill does not include important research provisions on aircraft operations in wake turbulence or volcanic ash encounters. Finally, the bill short-changes funding levels in many key accounts. The airport improvement program is cut by \$500 million compared to 2010, reducing funding for this program to 2001 levels. Air traffic control modernization funding would essentially be frozen over the four year span of the bill. Our aviation system is in desperate need of air traffic control upgrades and expanded airports – this bill simply does not provide the investments needed for a transition to a next generation aviation system that can be an engine for job creation, expansion of air travel and economic growth.

We are pleased that H.R. 658 includes a mechanism to fix the broken collective bargaining system at the FAA and specifically provides for binding arbitration when the parties reach an impasse. While the Senate and House language differ on the approach, both bills would ensure that the FAA can never again impose pay and work rules on its employees as the agency did under the previous Administration. The final bill must fix the FAA bargaining system by providing a fair and balanced process to resolve future labor-management disputes and preserving collective bargaining rights.

Transportation labor will do its part to make the case for legislation that honors the skill and dedication of the private and public sector aviation employees that form the backbone of the world’s largest aviation network. While we are pleased that the 112<sup>th</sup> Congress moved quickly to take up the FAA reauthorization bill, we will mobilize against attempts to repeal fair aviation and rail union election rules and in favor of a multi-year bill that improves safety, honors worker rights and invests in the modern 21<sup>st</sup> century aviation system our nation deserves.

**Policy Statement No. W11-01**  
**Adopted March 3, 2011**