



A bold voice for transportation workers

PRIORITIES FOR A LONG-TERM FAA REAUTHORIZATION BILL

The U.S. aviation industry plays a central role in our national economy. Two million passengers fly on 70,000 flights every single day in America. The industry supports almost 12 million jobs and over \$1.5 trillion in total economic activity, and accounts for 5.4 percent of our GDP. In other words, our aviation sector is a major driver of our economic growth.

U.S. air travel projections call for 3.2 percent growth each year over the next two decades. By 2034 U.S. airlines will carry 1.2 billion passengers per year, or 559 million more than in 2014. This staggering growth cannot be accommodated if Congress continues to defer the tough decisions about aviation investment. Short-sighted spending plans and partisan bickering in Washington have conspired to stifle deployment of new technology, cause severe capacity constraints, short-change the Federal Aviation Administration's (FAA) workforce needs, and idle tens of thousands of good jobs.

The globalization of aviation is also having profound effects on this industry and its employees. Congress should reject any attempts to repeal or weaken foreign ownership and control rules and cabotage laws that bar foreign carriers from engaging in U.S. domestic point-to-point air service. And lawmakers should continue to assert their oversight authority and ensure that as our government engages in market-opening aviation trade negotiations, a level playing field for U.S. carriers and strong and enforceable protections for aviation workers must be a part of any deal.

The FAA reauthorization will expire at the end of this fiscal year and Congress has an opportunity and obligation to pass a multi-year bill that makes critical investments in aviation technology and infrastructure and advances policies that address workforce issues and make air transportation safer for passengers and employees. At the same time lawmakers and the President must stop the debilitating budget cuts of sequestration that are undermining important aviation advancements and safety improvements, and scapegoating FAA employees.

Funding Shortfalls and Uncertainty

Unfortunately, the FAA continues to operate with inadequate funding and near-constant budgetary and authorization uncertainty. Passage of the last FAA Reauthorization Act in 2012 was delayed for more than three years requiring enactment of 23 extensions just to avert a lapse in agency funding. When an agreement could not be reached on the 21st extension, the FAA was partially shut down for two weeks during the summer of 2011, costing the government nearly \$30 million a day and sending many of the agency's employees home. Most recently, in October of 2013, Congress failed to pass the appropriations needed to fund the government and FAA employees were subjected to another round of furloughs. According to an estimate from Standard & Poor's, the government shutdown cost the economy \$24 billion, including about \$3.1 billion in lost government services. And the erratic funding for the FAA is having severe

consequences including costly delay of vital modernization projects. It is time for Congress and the President to insulate FAA operations and staffing, safety programs, and modernization initiatives from the wrenching effects of federal budget impasses in Washington.

Sequestration

The misguided federal budgeting mandate known as sequestration has had a wrenching and cascading effect on the FAA and its workforce and on the broader airline industry. Applying the mandates of sequestration – rigid across-the-board budget cuts – to the FAA has caused major setbacks in vital programs that support the safety and efficiency of air travel. And because Congress has been unable to find a suitable compromise on a federal budget, sequestration remains the law of the land. The first round of sequestration cuts in 2013 forced the furlough of every FAA employee, including air traffic controllers, systems specialists, engineers, and aviation safety inspectors. The furloughs impaired the FAA's ability to perform its safety mandate and manage the National Airspace System (NAS). During the week of April 21-27, 2013, flight delays nearly tripled from 5,103 during that same week in 2012 to 13,694 in 2013. Additionally, when sequestration cuts were initially announced, the FAA was prepared to close air traffic control towers throughout the country, with reduced hours of service at others. Ultimately, Congress passed a fix that ended the furloughs and tower closures, but it only did so temporarily. Absent a budget deal that ends sequestration, more cuts will occur this fall and continue through 2023.

The effects of sequestration have been profound. Preventative maintenance was halted, and engineers and systems specialists employed a fix-on-fail policy, meaning that they waited until equipment actually failed before replacing it. This policy has created obvious safety concerns and resulted in excessive and avoidable air traffic delays. Future rounds of sequestration cuts will likely force the FAA to adopt these types of policies again and create an unnecessary backlog in critical maintenance work. Even if a long-term FAA reauthorization is passed, until sequestration is permanently ended our NAS is in jeopardy of falling behind on efficiency, capacity, and most importantly, safety.

FAA Reforms

The budget challenges facing the FAA, combined with the agency's troubles managing important modernization efforts, have led to a debate in Washington about possible funding and structural reforms. We will participate vigorously in that debate and will insist that the U.S. government invest in the FAA's workforce and upgrading and replacing the FAA's aging infrastructure, stabilize the FAA's operating budget, ensure enhanced oversight of the industry and airspace, and continue modernizing the NAS through the Next Generation Air Transportation System (NextGen) initiative. The next FAA Reauthorization needs to set the foundation to achieve these goals.

Transportation labor welcomes the debate on how to properly fund and/or restructure the FAA – including its air traffic control system – to ensure the agency receives the sustained and reliable funding it needs to make strategic long-term investments in its workforce and infrastructure. Congress should consider solutions such as dedicated spending for the FAA, multi-year

appropriations, or moving the FAA spending off-budget. Congress could also provide the agency with some additional flexibility to transfer funds between accounts as needed in order to better accommodate the ebbs and flows of the federal budget process and maintain a high level of service and safety. These proposals would stabilize the agency's funding without undermining the dedicated FAA workforce or requiring a complete overhaul of the FAA's structure.

We also welcome debate on how to structure the FAA, especially the air traffic control system. Unfortunately, there are those who believe that "reform" is synonymous with complete or partial privatization of the air traffic control system and other parts of the FAA. Transportation labor will oppose any and all efforts to privatize any function within the FAA in order to turn the NAS into a for-profit entity. The solution to the agency's funding woes is not to ship out important safety work to bidders who will be beholden to shareholders and profit rather than the safe and effective management of the NAS. Furthermore, it is critical that all current and future FAA employees remain federal workers.

Airport Security & Transportation Security Officers

Some special interests and their allies on Capitol Hill may also use FAA reauthorization as a vehicle to advance wrongheaded proposals to privatize airport security screening currently done by Transportation Security Officers (TSOs) at the Transportation Security Administration (TSA). The 2012 FAA reauthorization included misguided changes to make it easier for private screening companies to take over current TSA screening operations at certain airports without ensuring adequate oversight and accountability to ensure one level of security. TTD's Executive Committee has previously called for the reversal of these changes and sensible reforms to the so-called TSA Screening Partnership Program. At a minimum, Congress should reject any expansion of this program. TSOs must remain a part of the federal workforce, under the direction of TSA and the Department of Homeland Security (DHS). Congress should instead focus on policies that reinforce the federal government's role in keeping our airports and skies safe while protecting the rights and workplace safety of TSOs. We will oppose efforts to return to the pre-9/11 airport security regime that at its core was reliant on shoddy private contractor-run operations featuring poor training, substandard pay and benefits, alarmingly high employee turnover rates, and substandard security standards.

FAA Staffing and Training

The FAA also continues to face serious problems regarding staffing, especially considering that one third of its workforce, including air traffic controllers, aviation safety inspectors, and systems specialists, will be eligible to retire starting this year. Sequestration also led the FAA to institute a hiring freeze for most of 2013. The hiring freeze compounded the already tenuous staffing situation from which the FAA may not recover. Even if the FAA replaced these retiring workers immediately, the training for employees throughout the agency is extensive and it can take two to five years to fully train new hires. One need only look at the dramatic reduction in capacity during the recent sequestration furloughs to see the effects of an understaffed, resource-starved agency. Furthermore, FAA operations within the current budget environment are presenting major challenges for the FAA workforce and the aviation system, which is resulting in limited funding for travel, challenges performing inspections and other surveillance activity,

reduced or delayed maintenance of critical systems and equipment, and difficulty in meeting growing industry demands with its manufacturing and certification process. Without guaranteed, sufficient funding to ensure the current workforce remains on the job while a new generation of employees is hired and provided sufficient time and access to thorough on-the-job training, there is no way the FAA can guarantee there will be enough aviation safety inspectors, certification engineers, air traffic controllers, systems specialists, and other employees in place to secure the growth, efficiency, and safety of the system. Understaffing hinders facilities throughout the country from deploying NextGen programs, procedures, and equipment. At many air traffic facilities there are not enough fully certified air traffic controllers to cover operational positions and systems specialists to perform maintenance and certification while their peers serve as front-line subject matter experts performing NextGen research, development, implementation, and training.

The FAA bill must also take steps to improve the FAA worker staffing and training models. Simply stated, the FAA faces a staffing crisis, and properly training new hires is a lengthy process. In addition to the funding concerns, the FAA's staffing and training models should be updated to better meet the needs of the NAS. For instance, Congress should require the FAA to develop a formalized training plan to ensure FAA systems specialists, aviation safety inspectors, and certification engineers are kept current on all technologies, and the agency must continue to fully embrace modern training alternatives that allow for more virtual and online learning. Additionally, Congress should support the FAA and the National Air Traffic Controllers Association's (NATCA) recent effort to improve the FAA's previously flawed placement and transfer process for air traffic controllers. The new process, once implemented, will allow for greater opportunities for career development and save the FAA money while meeting the critical staffing needs at the busiest and most complex facilities.

We have also seen the FAA increasingly rely on its designees and organization designation authorizations (ODAs), in which a person or organization performs certification work on behalf of the FAA. These designees and ODAs are overseen by FAA inspectors and certification engineers, and paid by aircraft and original equipment (OEM) manufacturers, but according to the FAA, they "act as surrogates for the FAA in examining aircraft designs, production quality, and airworthiness." According to the Government Accountability Office, designees and ODAs perform more than 90 percent of the FAA's certification activities despite "serious concerns that designee oversight is lacking." The growth of the ODA program is making oversight increasingly difficult with limited resources for proper regulatory compliance. Congress should bar any expansion of the designee and ODA programs until the FAA conducts an audit to ensure the programs are regulatory compliant and are being properly overseen by fully qualified, trained and proficient FAA inspectors.

Flight Crew Fatigue

Fatigue remains a pressing concern for many flight crew members, and few factors have as direct and negative an effect on aviation safety, security, and efficiency as a tired workforce. In the wake of the 2009 Colgan Air crash that killed 50 people in Western New York, the DOT and the FAA implemented new rules on airline pilot flight- and duty-time limitations and minimum rest requirements. These science-based rules mark a major step forward in making air travel safer by,

among other things, establishing minimum rest hours between flights and per week, and by requiring operators to implement Fatigue Risk Management Programs, which address the chronic fatigue that plagues our nation's pilots.

Unfortunately, these rules completely exempted airline cargo pilots, who share the same airspace with passenger pilots and suffer from the same fatigue issues. Cargo air carriers have long used their lobbying might in Washington to win exemptions and carve-outs for a host of safety and security rules and with this cargo pilot carve-out they succeeded at putting their financial interests ahead of safety. The FAA reauthorization must close this safety loophole and include language that would require the DOT and the FAA to develop a science-based flight and duty time rule for cargo pilots.

Likewise, adequate fatigue regulations and protections continue to elude our nation's flight attendants. The FAA Civil Aerospace Medical Institute (CAMI) recently released a report which concluded that changes to flight attendant work rules are necessary and that reform is needed to combat fatigue. Aside from the issue of fair working conditions, flight attendant fatigue is a passenger safety concern. In this post-9/11 world, flight attendants share a larger role in safety and in-flight security. Fatigue can impede flight attendants' ability to monitor the flight cabin and fulfill their duties as first responders in cases of emergency or evacuation. The CAMI report recognized several contributing factors to flight attendant fatigue, including scheduling and missed meals. Congress should also require the FAA and air carriers to develop and implement a Fatigue Risk Management Plan (FRMP) specific to flight attendants that follows the existing FRMPs for flight crew members.

Aircraft Repair Outsourcing

Congress must also address unfinished business related to the epidemic of outsourcing of aircraft maintenance and repairs. With more than 700 foreign-based aircraft repair stations certified by the FAA to work on U.S. aircraft, federal policy fails to ensure that the same safety and security rules imposed on domestic repair facilities are applied to facilities based overseas.

Congress has spoken on these issues. In the 2012 FAA reauthorization bill, lawmakers voted in favor of a provision (Section 308(d)(2)) directing the FAA, within one year of enactment, to issue a proposed rule requiring all repair station employees responsible for safety-sensitive maintenance on U.S. aircraft to be subject to an alcohol and controlled substance testing program. While we are pleased that Congress moved to address this safety issue, the FAA is now well over two years late in fulfilling this mandate for a proposed rule and the provision will have no impact until it is formally implemented by the FAA. To ensure compliance and to stop the proliferation of unsafe standards, we urge Congress to prohibit the additional certification of any foreign repair station until the drug and alcohol rule is implemented.

The 2012 law also mandated that each foreign repair station be inspected by the FAA at least once a year. While this is a step in the right direction, inspections at foreign stations must still be announced and notice provided to the host country – contrary to the surprise visits correctly imposed on domestic stations. Transportation labor calls on Congress to close this basic safety loophole and mandate the use of unannounced inspections at both foreign and U.S. stations.

Congress must also resist efforts to allow foreign countries, instead of the FAA, to perform the minimum inspections required of U.S. certificated stations. If foreign stations and their governments do not wish to be subject to these requirements, they should not be allowed to work on U.S. aircraft.

Strengthening Safety Reporting Programs

Voluntary safety reporting programs such as Flight Operations Quality Assurance (FOQA) and the Aviation Safety Action Program (ASAP) are important, collaborative tools that enhance aviation safety through the analysis of voluntarily reported safety events and discrepancies that lead to the prevention of accidents and incidents. Congress can improve and increase the safety benefit of ASAP programs and voluntarily submitted aviation safety information by automatic acceptance of ASAP reports. Currently, the acceptance process may take weeks waiting for the Event Review Committee (ERC) to meet, delaying safety benefits. Reports should be automatically accepted. Under an automatic acceptance scenario, a report could be excluded when the ERC convenes if the report is determined to meet one of the five established exclusionary criteria, but until then the safety benefit would be realized immediately. Several ASAP programs already have automatic acceptance protocols built into their programs. This model should be universal to the ASAP program.

Secondary Cockpit Barriers

The FAA Reauthorization must also take important steps to improve the safety of air crew members while also protecting the safety and security of passengers. While mandatory reinforced flight deck doors have provided an important layer of safety and security to the flight deck, there are times when the reinforced door must be opened during a flight. In order to address this vulnerability, a physical secondary barrier should be required on all commercial passenger aircraft that blocks access to the flight deck when the operational necessity requires that the reinforced door be opened. Combined with standardized crew procedures for protecting the flight deck and other TSA-approved onboard protective measures, a secondary barrier will help prevent the hostile takeover of an aircraft and protect the safety of passengers and crew alike.

Ban Small Knives on Aircraft

The FAA bill should include language codifying the ban of small knives on aircraft. In 2013, the TSA announced policy changes that would have loosened the restrictions on carrying weapons onboard commercial aircraft by allowing passengers to carry small knives during flights. Fortunately, the agency abandoned this proposal in the face of massive public opposition. Despite backtracking from the TSA, the possibility of a rule change to allow knives on commercial flights remains. Congress should codify into law the current restrictions of all weapons on board aircraft.

On-Board Phone Calls and Broadband

The FAA reauthorization should also include language that would prevent federal agencies from allowing in-flight voice cell phone use as well as ensuring that expanded use of mobile broadband wireless services on commercial aircraft does not jeopardize aviation security. The FCC is currently undertaking a rulemaking process that could lift the decades-old ban on both. The use of cell phone voice calls on flights would not only create an unnecessary nuisance for passengers who seek peace and quiet, but it would pose serious safety and security concerns as flight attendants would be forced to police disputes between passengers rather than dedicating their attention to tasks required to keep passengers safe. Higher noise levels would also reduce the ability of flight crewmembers to relay important safety information in the event of an emergency. Before expanded broadband services are allowed on-board planes, Congress should require the National Academy of Sciences to conduct a study on the potential risks that the implementation of this technology would pose to national security.

Evacuation Certification

The FAA needs to ensure that its evacuation certification process is up to date and reflective of current aircraft design and conditions. The data currently used to certify aircraft evacuation are outdated and based on conditions that no longer exist. Congress should require the FAA to conduct a 24-month independent study in cooperation with the National Transportation Safety Board to recommend an approach for assessing evacuation capability of aircraft used by commercial passenger carriers under actual emergency conditions, including water landings.

Protection from Communicable Diseases

The recent public health scare of Ebola transmission, particularly as it relates to air travel, has exposed the limitations of current regulations for protecting aviation workers and passengers from the spread of communicable diseases and other dangerous pathogens. Congress should require the FAA, in conjunction with the Centers for Disease Control and Prevention (CDC) and other relevant agencies, to develop comprehensive regulations and protocols for effective infectious disease response on commercial flights. This should include requiring appropriate protective equipment for flight crew members and medical personnel, clear guidelines for how to treat and isolate infected passengers, and initial and recurrent training programs for airline and airport workers.

No Weakening of Existing Safety Regulations

Congress is tasked with oversight of the agency responsible for maintaining the safest air transportation system in the world, one that moves millions of passengers and cargo across the globe. The 2015 reauthorization bill must ultimately support the core mission of the FAA to promote and advance the highest safety standards in aviation. The traveling public expects nothing less. This includes maintaining existing safety regulations such as those contained in the Airline Safety and FAA Extension Act of 2010 (PL 111-216) which passed both houses of Congress unanimously. In addition to mandating science-based flight and duty rules to mitigate pilot fatigue, PL 111-216 also proscribed requirements for pilot training, including minimum

licensing and qualifications requirements for pilots to fly in FAR 121 airline service. This legislation and following regulations were triggered by a number of tragic airline accidents that resulted in a significant number of fatalities. PL 112-216 and resulting regulations have significantly improved aviation safety. The 2015 legislation must not weaken any safety standards or inhibit future regulations that are in the best interest of aviation safety.

Transportation labor is committed to working with Congress and the President on a bipartisan long-term FAA bill that meets the funding, FAA workforce, infrastructure and technology, and safety and security needs of the aviation industry. We are also committed to working with those who want to offer reasonable proposals that will give the FAA and our air traffic control system more stability in funding and modernization programs. But we will work against those who would use this important debate on a long-term aviation bill to advance wrongheaded privatization or contracting out proposals that harm federal employees and degrade safety or security. Our responsibility is to protect the safety and security of the system.

Policy Statement No. W15-08
Adopted February 22, 2015