

February 10, 2016

Committee on Transportation and Infrastructure
U.S. House of Representatives
2251 Rayburn House Office Building
Washington, DC 20515

Dear Chairman Shuster, Ranking Member DeFazio, Chairman LoBiondo, Ranking Member Larsen and Members of the Committee:

On behalf of the thousands of Federal Aviation Administration (FAA) employees we represent, we are writing to state our opposition to language included in the Aviation Innovation, Reform, and Reauthorization (AIRR) Act (H.R.4441) that privatizes the FAA's air traffic control system into a not-for-profit corporation. The United States has the safest and largest aviation system in the world and that system should continue to be operated solely for the public's benefit and safety, not for the special interests that will operate the privatized system. The following represents our major concerns with privatizing the U.S. air traffic control system.

The U.S. air traffic system is not comparable: Many proponents of privatizing the U.S. air traffic control system view it the same as privatized air traffic systems in other countries. However, the U.S. air traffic control system is, quite simply, incomparable in size, scope and complexity to any other aviation system in the world. On a typical day, the FAA manages approximately 70,000 flights, safely transporting nearly two million travelers. In 2014, this equaled roughly 763 million passengers. For comparison, the aviation system in Canada carried approximately 75 million passengers—a difference of over 680 million passengers.¹ And not only are these flights operated safely, the system is handled efficiently and effectively. Our country far outnumbers Canada in terms of facilities as well, with the United States having 21 Air Route Traffic Control Centers² and 315 air traffic control towers³ compared with Canada's seven and 40, respectively.⁴ The U.S. airspace is over 75 million kilometers compared to 18 million in Canada.⁵ Simply stated, there is no comparison to the safest, most complex system in the world.

Modernization: Now is not the time to interrupt efforts to modernize the air traffic control system. Now is the time to move forward, continuing to allow the introduction of new technologies, doing so with a cohesive group of federal employees from every division of the

¹ The World Bank, "Air Transport, passengers carried," <http://data.worldbank.org/indicator/IS.AIR.PSGR> (accessed February 2016).

² Federal Aviation Administration, "Air Route Traffic Control Centers (ARTCC)," http://www.faa.gov/about/office_org/headquarters_offices/ato/service_units/air_traffic_services/artcc/ (last modified June 5, 2013).

³ U.S. Department of Transportation, Federal Aviation Administration, *A Plan for the Future. 10-Year Strategy for the Air Traffic Control Workforce 2015-2024*, (Washington, D.C.: 2015), p. 11, available at https://www.faa.gov/air_traffic/publications/controller_staffing/media/CWP_2015.pdf.

⁴ Nav Canada, "Facility Map," (November 2015), available at http://www.navcanada.ca/EN/about-us/Documents/nav_canada_facility_map_04_e.pdf.

⁵ Department of Transportation Inspector General, *Foreign Countries' Processes for Operating Air Transportation Systems*, CC-2015-006 (Washington, D.C.: March 24, 2015), p. 6.

agency. Some have recently criticized the FAA for its progress with the Next Generation Air Transportation System (NextGen), however very real advancements have been made to modernize the aviation system. These include installation of new systems and equipment, optimization of airspace and procedures, continued upgrading and standardizing of automation and communication systems. These large-scale projects cannot be supported by a fractured structure. In fact, a recent Department of Transportation Inspector General report, in comparing the U.S. aviation system with those in other countries using privatized models, emphasized that these countries do not embark on large-modernization efforts or conduct aviation research and development.⁶ The FAA has been successful in many realms because it involves stakeholders and congressional oversight in monitoring progress. Privatizing the system jeopardizes NextGen and introduces uncertainty into the future of modernization. At a minimum, privatization will likely result in modernization coming to a standstill during the lengthy transition period as the corporation is formed and developed.

Separation of the Air Traffic Organization (ATO): The FAA functions as one cohesive unit with all lines of business interacting together on a daily basis. Communication and sharing of information and resources within the agency, including between the ATO and the Office of Aviation Safety (AVS), is essential to allow the agency to seamlessly perform the work necessary to ensure a safe and efficient system. In fact, ATO and AVS employees interact with each other on a regular basis; consistent and seamless communication is key to the continued safe operation of the system. For example, if there is an accident or incident and an AVS inspector needs information, ATO employees can immediately pull the data needed to keep the process moving forward. In addition, NextGen is a complex and intra-agency revitalization project interwoven into multiple FAA lines of business, including AVS and ATO. As you can see, the FAA cannot simply be sliced apart without causing major disruptions to the safest, largest, most efficient system in the world.

Funding: Proponents of privatization tout the funding benefits of turning over our air traffic control system to a private entity and claim the new entity would function more like a business, a business subjected to an array of uncertainties. The system would be entirely funded by a currently unknown user fee scheme, which will be determined by a board of directors comprised of selective major users of the system. While stable funding for the FAA must be addressed, this does not require changing the entire structure and turning it over to a private corporation that would make funding and governing decisions, possibly subjecting the system to financial hardships. In the case of an economic downturn, it is not unreasonable to question whether employees may potentially lose their jobs or that the scenario will result in a monopoly “too big to fail,” inevitably leading to taxpayer bailouts. Privatized models in other countries with far smaller and less complex aviation systems went through “growing pains,” which included, among other things, financial bailouts, decreases in service and staffing cuts. We do not believe that the United States should willingly undergo a lengthy transition with no guarantee of success when the current system is not broken.

The major problem the agency has been experiencing over the past several years is sequestration. Now is the time for Congress to address the issue of sequestration and work to ensure that the FAA is consistently and adequately funded. We ask that lawmakers establish a funding

⁶ Id., p. 4.

mechanism that retains the current agency structure but protects it from sequestration. Removing the air traffic control system from federal oversight does not solve the funding problem.

Oversight: The funding questions segue directly into a discussion of oversight of the private corporation. The board of directors of this corporation would be operating with no oversight or accountability. The board—made up of a few select users of the system—will dictate everything from fees to implementation of modernization efforts, from staffing levels to training of employees, from maintenance of systems and equipment to determining the number of facilities nationwide. A board of directors with built-in conflicts of interest and zero oversight or accountability is not the entity that should be responsible for the operation and maintenance of the U.S. air traffic control system.

Likewise, we are seriously concerned with the lack of congressional oversight if the ATO is separated from the federal government. For example, the ability for stakeholders and members of Congress to work together on aviation-related issues has been pivotal to the success of our system. In a private corporation, lawmakers will lose the right to provide input on funding, staffing, safety, training and numerous other areas in which congressional oversight is present today. The flying public will also lose an advocate when dealing with aviation-related issues pertaining not only to safety but potentially noise and environmental concerns as well.

Employees of the corporation: A review of H.R.4441 raises particular concerns regarding employees of the corporation—current FAA employees who become corporate employees as well as new employees. Language included in the bill significantly weakens labor laws for employees of the corporation. The proposed new labor law also fails to guarantee that every collective bargaining agreement will have a grievance process, thus stripping the quintessential means for employees to resolve workplace issues and protect their rights. In addition, whistleblower protections are virtually gutted in the bill, making it far more difficult for employees to expose misconduct and corruption and further limiting the ability for the corporation to be adequately overseen and held accountable. Future pay, healthcare and retirement benefits will no longer have the underpinnings of federal law, which applies to FAA employees today. New employees will be covered by a different pay and benefit system. Employees performing the same job, but with different pay and benefits, will surely lead to low morale and possibly lead to problems in retaining and attracting skilled and talented employees. Essentially, H.R.4441 takes today's labor framework and removes major pieces of the law or considerably weakens it. As such, not only will the corporation not have public oversight through Congress, but its employees will not have the same protections as presently exist to ensure the public is informed.

National security: The FAA and other federal agencies share resources, facilities and information. For instance, the FAA shares services and facilities, including radars, with the Department of Defense. This requires sharing of critical information relevant to national security. In the case of a national emergency or natural disaster, that sharing of resources and information would be critical, as it was on 9/11. Our country responded quickly, safely and efficiently on that day in order to secure our country. Without a doubt, a secure aviation system is one that functions solely for the safety of the people.

As representatives of FAA employees, we believe that making massive changes to the FAA's structure is not necessary. Instead, we believe that language should be included in H.R.4441 to keep the current FAA structure in place while insulating it from sequestration and streamlining the procurement process. We appreciate the work this committee has done in support of the agency and this country's aviation system. However, we cannot support efforts to privatize ATO activities and we ask members of the Transportation and Infrastructure Committee to oppose H.R.4441 in its current form. We look forward to working with members of the committee in order to reauthorize the FAA and ensure the agency remains a single cohesive unit working together for the safety and efficiency of the U.S. aviation system.

Sincerely,

American Federation of Government Employees (AFGE)
American Federation of State, County & Municipal Employees (AFSCME)
Laborers' International Union of North America (LIUNA)
National Association of Government Employees (NAGE)
National Federation of Federal Employees (NFFE)
Professional Association of Aeronautical Center Employees (PAACE)
Professional Aviation Safety Specialists (PASS)