



Committee on Transportation and Infrastructure
U.S. House of Representatives
Washington DC 20515

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February 8, 2019

SUMMARY OF SUBJECT MATTER

TO: Members, Committee on Transportation and Infrastructure
FROM: Staff, Subcommittee on Aviation
RE: Subcommittee Hearing on “Putting U.S. Aviation at Risk: The Impacts of the Shutdown”

PURPOSE

The Subcommittee on Aviation will meet on Wednesday, February 13, 2019, at 10:00 a.m., in HVC 210 of the Capitol Visitor Center to hold a hearing titled, “Putting U.S. Aviation at Risk: The Impacts of the Shutdown.” The hearing will gather stakeholder perspectives on how the recent 35-day partial shutdown of the Federal Government impacted Federal Aviation Administration (FAA) functions and operations, as well as the U.S. aviation industry and workforce. The Subcommittee will hear testimony from the Association of Flight Attendants (AFA), General Aviation Manufacturers Association (GAMA), National Air Traffic Controllers Association (NATCA), Professional Aviation Safety Specialists (PASS), and Airlines for America (A4A).

OVERVIEW

The FAA is the Federal agency responsible for ensuring the safe and efficient operation of the National Airspace System. During the recent 35-day partial shutdown of the Federal Government¹—the longest in U.S. history—due to a lapse in appropriations, between 30 and 40 percent of FAA employees were furloughed,² challenging the agency’s ability to fulfil this critical mandate. Thousands of safety-critical FAA employees, including more than 14,000 air traffic controllers and a limited number of aviation safety inspectors and technicians, worked during the shutdown without compensation.³ In addition to impacts on the FAA workforce, the shutdown

¹ Due to a lapse in Federal spending, a partial shutdown of the Federal Government occurred, from December 22, 2018, to January 25, 2019.

² See DOT, *Operations During a Lapse in Annual Appropriations Plans by Operating Administration*, at 3 (Dec. 2018), <https://cms.dot.gov/sites/dot.gov/files/docs/mission/budget/328471/consolidated-december-2018-shutdown-plan-final.pdf> and revised on Jan. 11, 2019, <https://www.transportation.gov/sites/dot.gov/files/docs/mission/budget/328471/usdot-consolidated-december-2018-shutdown-plan-01-11-19-red-line.pdf>.

³ *Id.*

negatively affected the U.S. aviation industry, including airlines, general aviation, airports, manufacturers, and passengers.

SHUTDOWN IMPACTS ON FAA WORKFORCE

Air Traffic Controllers. More than 14,000 controllers worked during the shutdown without pay.⁴ During the shutdown, controllers in the busiest U.S. air traffic facilities worked overtime—as much as 60 hours per week.⁵ Controllers handle, on average, more than 40,000 flights daily, across 29 million square miles of airspace.⁶ Yet, according to NATCA, while controllers were performing their safety-critical responsibilities, some were concerned about when they would receive their next paychecks and how they would pay expenses.⁷

According to NATCA, controller staffing at FAA air traffic control facilities is already at a 30-year low, due in part to the Government shutdown in 2013, and more than 20 percent of the current controller workforce is eligible to retire.⁸ During the 35-day shutdown, the FAA's controller training academy was closed, preventing a pipeline of new controllers from completing the training needed to enter an FAA facility for on-the-job-training.⁹

Inspectors and Technicians. According to PASS, during the 35-day shutdown, the majority of FAA aviation safety inspectors were furloughed. These inspectors are responsible for oversight of commercial and general aviation aircraft, pilots, flight instructors, and repair stations in the United States and abroad.¹⁰ In addition, FAA manufacturing inspectors—who oversee the manufacturing of aircraft and aircraft components—and engineering services technicians—who implement air traffic control operation projects—were furloughed,¹¹ potentially impacting the FAA's ability to ensure the highest-level of aviation safety. Despite the FAA recalling inspectors and engineers during the shutdown, these employees, like controllers, did not receive pay until the shutdown ended.

Other FAA Employees. Despite contract authority provided by the *FAA Reauthorization Act of 2018*, multi-year appropriations, and use of franchise funds, allowing the FAA to pay and keep on the job approximately 2,300 FAA employees, in total, more than 17,000 employees with positions at the FAA were furloughed at the start of the shutdown.¹ The furlough of these employees, across all of the agency's lines of business, temporarily ceased, disrupted, or delayed important work and agency oversight of the industry. Below are examples, provided by various aviation stakeholders, of how the furlough of FAA employees impacted agency operations and the U.S. aviation industry.

⁴ Figure provided to Committee staff by the FAA on Dec. 21, 2018.

⁵ See Letter, *Air Traffic Controllers, Pilots, Flight Attendants Detail Serious Safety Concerns Due to Shutdown* (Jan. 23, 2019), available at https://www.natca.org/Images/NATCA_PDFs/Publications/20190123-AFA-ALPA-NATCA-Joint-Statement-FINAL.pdf.

⁶ See FAA, *Air Traffic by the Numbers*, https://www.faa.gov/air_traffic/by_the_numbers/ (last visited Feb. 4, 2019).

⁷ See TIME, "We're All Human." *Air Traffic Controllers Are Missing Another Paycheck, and It's Taking a Toll*, Jan. 24, 2019, <http://time.com/5512249/air-traffic-controllers-paychecks-shutdown/>.

⁸ See Letter, *supra* note 5.

⁹ *Id.*

¹⁰ PASS, *Aviation Safety Inspectors Grounded During Government Shutdown* (Dec. 22, 2018), <https://www.passnational.org/index.php/news/706-aviation-safety-inspectors-grounded-during-government-shutdown>.

¹¹ *Id.*

- Airspace Modernization: The FAA’s work on NextGen—the modernization program for the U.S. air traffic control system—was suspended,¹² further delaying the anticipated safety and efficiency benefits for airspace users and the traveling public.
- Important FAA Rulemakings: Planned and ongoing aviation rulemaking activities were suspended.¹³ Many of these rules, such as safety rules to address the risks posed by drones in U.S. airspace, are needed to advance the U.S. aviation industry and make our skies safer.¹⁴
- Certification and Validation: The shutdown prevented the aviation industry from receiving important FAA approvals. For example, airlines were unable to add new planes to their fleets, delaying or disrupting services,¹⁵ and manufacturers could not receive the FAA-approval needed to get new aircraft, aviation equipment, and products to market.¹⁶ In addition, the furlough of FAA employees temporarily halted FAA-inspection and certification of repair stations and training manuals for pilots.¹⁷ Combined, the lack of FAA-approvals cost companies, especially small businesses, financially.¹⁸
- Airport Infrastructure: The FAA issued no new Airport Improvement Program grants to U.S. airports during the shutdown, and the furlough of FAA employees who work with airports on upcoming construction projects may cause unnecessary delays and increased costs of infrastructure projects.¹⁹
- Congressional Mandates: Nearly all of the FAA’s implementation of Congressional mandates in the recently enacted *FAA Reauthorization Act of 2018* and prior laws was brought to a halt. Such mandates include requiring 10 hours of minimum rest between duty periods for U.S. flight attendants, FAA review of its current cabin evacuation procedures, requiring the installation of secondary cockpit barriers on each new aircraft that is manufactured for delivery to passenger airlines, general aviation safety provisions, and other important FAA reform mandates.²⁰

OTHER SHUTDOWN IMPACTS ON U.S. AVIATION

Civil aviation plays a central role in the United States, supporting more than \$1.5 trillion of economic activity and more than 11 million jobs, according to industry groups.²¹ The unprecedented

¹² *Id.* at 5.

¹³ *Id.*

¹⁴ See DOT, *Report on DOT Significant Rulemakings*, Nov. 2018, available at https://www.reginfo.gov/public/do/eAgendaMain?operation=OPERATION_GET_AGENCY_RULE_LIST¤tPub=true&agencyCode=&showStage=active&agencyCd=2100&Image58.x=25&Image58.y=14 (listing more than 20 FAA-significant rulemakings).

¹⁵ Letter from more than 30 aviation and aerospace organizations to the President of the United States, Speak of the U.S. House of Representatives, and Majority Leader of the U.S. Senate, Jan. 10, 2019, <https://www.iata.org/pressroom/Documents/letter-us-aviation-shutdown-impacts.pdf>.

¹⁶ GAMA, *FAA Shutdown Impacts on General Aviation Manufacturing and Maintenance* (Jan. 22, 2019) (on file with Committee staff).

¹⁷ *Id.*

¹⁸ *Id.*

¹⁹ See Letter, *supra* note 15.

²⁰ See sections 335–337, and sections 392–396 of the *FAA Reauthorization Act of 2018* (Pub. L. 115-254).

²¹ See Letter, *supra* note 15.

35-day partial shutdown negatively affected the U.S. aviation industry, including airlines, general aviation, airports, manufacturers, and passengers. The shutdown also affected:

- **Aviation Security.** More than 50,000 Transportation Security Administration (TSA) airport security agents worked during the shutdown without paychecks.²² As the shutdown stretched on, an increasing number of TSA agents took unscheduled leave or quit their jobs, leaving airports worried about staffing at security checkpoints.²³
- **Air Travel.** One U.S. airline reported losing an estimated \$25 million in business due to fewer Government employees and contractors traveling during the shutdown.²⁴ In addition, airport security lines at the Nation's busiest airports grew due to fewer TSA agents on duty, causing longer than normal wait times.²⁵ The shutdown also resulted in the furlough of all employees in the Department of Transportation's aviation consumer protection division—the office responsible for monitoring compliance with and investigating violations of U.S. consumer protection and civil rights requirements.²⁶
- **Accident Investigations.** The furlough of employees at the National Transportation Safety Board (NTSB)—the independent agency responsible for investigating transportation accidents and advocating for safety improvements—stopped work on more than 1,800 ongoing general aviation and limited aviation safety investigations, and prevented the Board from working with the FAA to investigate 15 general aviation accidents that occurred during the shutdown.²⁷

²² N.Y. TIMES, *T.S.A. Agents Refuse to Work During Shutdown, Raising Fears of Airport Turmoil*, Jan. 11, 2019, <https://www.nytimes.com/2019/01/11/nyregion/tsa-shutdown.html>.

²³ *Id.*

²⁴ USA TODAY, *Delta CEO: Government Shutdown Tab \$25 Million and Counting*, Jan. 15, 2019, <https://www.usatoday.com/story/travel/flights/2019/01/15/delta-ceo-government-shutdown-costs-25-million-lost-business/2576031002/>.

²⁵ See N.Y. TIMES, *supra* note 22.

²⁶ See *Operations During a Lapse*, *supra* note 2.

²⁷ NTSB, *NTSB Resumes Normal Operations - Updated* (Jan. 29, 2019), <https://www.nts.gov/news/press-releases/Pages/NR20190129.aspx>.

WITNESSES

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