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**STATEMENT OF MICHAEL PERRONE
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BEFORE THE HOUSE COMMITTEE ON TRANSPORTATION AND
INFRASTRUCTURE – SUBCOMMITTEE ON AVIATION
ON
PUTTING U.S. AVIATION AT RISK:
THE IMPACT OF THE SHUTDOWN
FEBRUARY 13, 2019**

Chairman Larsen, Ranking Member Graves, and members of the Subcommittee, thank you for inviting me to testify on behalf of the Professional Aviation Safety Specialists, AFL-CIO (PASS) to discuss the impacts of the most recent government shutdown and the risk government shutdowns pose to the safety of the aviation system. The impacts of the shutdown resonated throughout the industry and across the country as aviation safety inspectors sat idly on the sidelines for weeks, morale suffered and frustration grew, and modernization was brought to a standstill.

PASS represents approximately 11,000 Federal Aviation Administration (FAA) and Department of Defense employees throughout the United States. PASS-represented employees in the FAA install, maintain, support and certify air traffic control and national defense equipment, inspect and oversee the commercial and general aviation industries, develop flight procedures, and perform quality analyses of complex aviation systems used in air traffic control and national defense in the United States and abroad. PASS members work behind the scenes to ensure the safety and efficiency of the aviation system that transports over 800 million passengers to their destination each year. The diversity of the PASS-represented workforce provides insight into the safety of the system they maintain and the industry they oversee. PASS members are tasked with ensuring that the U.S. aviation system remains the safest in the world 24 hours a day, 7 days a week.

Yet, for 35 days, many of these employees were furloughed and not performing their duties while others were working under stressful conditions. None of them were getting paid. Thousands of FAA employees went for weeks without a paycheck and worked with the uncertainty of not knowing when that paycheck would come. These FAA employees—from aviation safety inspectors to technicians to administrative staff—are the true victims despite the fact that funding of the aviation system was not at stake. To put it simply, dedicated federal employees, many of them lifelong public servants and military veterans, were treated as collateral damage. As a result, a critical layer of safety was removed, and this is unacceptable.

The following is a detailed discussion of the critical work PASS members do and the far-reaching impacts a government shutdown has on their ability to fulfill their responsibilities. I am confident that you will agree that these committed, dedicated aviation professionals deserve to be treated with respect and dignity and recognized for the important work they perform every day: ensuring the continued safety of the U.S. aviation system.

OFFICE OF AVIATION SAFETY

Within the FAA's Office of Aviation Safety (AVS), PASS represents employees in the Flight Standards Service and Manufacturing Inspection District Offices (MIDOs) within Aircraft Certification. Our Flight Standards bargaining unit is comprised of several thousand aviation safety inspectors who perform a range of duties in the field to ensure safety standards are being followed. There are also inspectors and other highly trained staff that develop regulatory standards and policy. Within the Flight Standards Office of Foundational Business are examiners in the FAA's Civil Aviation Registry as well as analysts to oversee budgeting, staffing, training and other support functions. Collectively, these employees represent the safety net of the aviation system; in other words, these employees ensure your aircraft and those responsible for keeping it in the air are up to the task and in full regulatory compliance.

At the onset of the shutdown, Flight Standards and MIDO employees were furloughed and told not to report to work. Essentially, an entire layer of safety was stripped away as the system became exposed to more risk with each passing day. According to FAA policy and directives, this meant that, among other things, the following tasks were not being performed or being performed at a reduced level:

- Approval of exemptions for unmanned aerial systems operations
- Issuance of airmen certificates
- Development of Next Generation Air Transportation System (NextGen) safety standards, as well as development, testing and evaluation of NextGen technologies
- Aviation rulemaking
- Evaluations, audits and inspections
- Full range of air traffic safety oversight¹

Reduction in Safety Oversight

Aviation safety inspectors are responsible for developing, administering and enforcing regulations and standards concerning civil aviation safety. According to the FAA, these employees set the “standards for certification and oversight of airmen, air operators, air agencies, and designees as well as safety of the flight of civil aircraft in air commerce.”² This is a workforce vital to monitoring the risk of the system—they should be on the job every day performing this work without fear of when the next paycheck will arrive. Without every inspector and safety employee on the job focused solely on their duties, the potential risks to aviation safety increased.

Furthermore, the FAA utilizes a risk-based approach to aviation safety. This is intended to allow the agency to identify, address and mitigate risk in the National Airspace System (NAS) and allocate resources to the areas of greatest concern. While PASS has voiced concerns with this philosophy in the past due to reliability of information and methods for assessing risk, the system was dysfunctional during the shutdown. With aviation safety inspectors off the job, risk was not being identified, addressed or mitigated. Critical safety information received from the airlines was not being entered in the agency’s systems. While a catastrophe did not occur during this most recent shutdown, this should not be an acceptable standard for the safest system in the world.

Aviation safety inspectors are also responsible for inspecting aircraft and work performed at foreign repair stations. The airline industry has significantly increased its reliance on outsourced maintenance to foreign repair stations, and PASS has consistently expressed concern that oversight of this work is lacking. PASS appreciates that lawmakers have worked with the union to increase the number of inspections of FAA-certificated foreign repair stations. However, during a shutdown, this work is seriously curtailed. Simply put, the FAA was not overseeing foreign repair stations for 35 days and the world knew it.

¹ Department of Transportation, Office of the Assistant Secretary for Budget and Programs, and CFO, “Operations During a Lapse in Annual Appropriations Plans by Operating Administration,” December 2018 (revised as of January 11, 2019).

² Department of Transportation, *Federal Aviation Administration, Aviation Safety Workforce Plan 2017 – 2026*, p. 25, 2017.

Impacts on Certification and Other Inspector Activities

Commercial and general aviation depend on the work of PASS-represented employees and the vital certification work they perform. During the shutdown, oversight of important certification activities was put on hold. This undoubtedly resulted in a backlog of aircraft and design approvals. Aircraft manufacturers depend on FAA inspectors and engineers being on the job to review and certify new equipment on a timely basis. Yet, no new safety designs could be approved, quality system audits and supplier control audits were delayed, and investigations were postponed. Inspectors had to limit their focus and were not able to certify airplanes, repair stations, airline operators and aviation personnel. A lapse in government operations seriously affects the FAA's ability to continue to issue its thousands of design approvals and type certificates on an annual basis, along with the ability to conduct safety-required surveillance and oversight necessary in such a technologically complex system.

There was also a decrease in FAA airworthiness directives during the shutdown, which are legally enforceable regulations to correct unsafe conditions in aircraft, engines and propellers. According to a *Consumer Reports* investigation, since January 1, the FAA has published only two directives compared to 19 during the same period last year.³ Normally, these directives stem from the daily work of FAA inspectors. However, with the majority of inspectors furloughed, the flying public could only trust the airlines inspecting themselves, an inherently unwise approach to safety.

Although a portion of the principle inspectors were eventually recalled during the shutdown, a majority of the FAA personnel who certify the safety of aircraft remained furloughed. Certification timelines are tightly configured, and the impact of the shutdown will not be limited to the 35 days of lapsed government funding. The FAA workforce and the industry will likely feel the lasting effects of the shutdown for years to come.

Impacts to Recruiting and Retaining Employees

The shutdown exacerbated the existing challenges related to recruiting and retaining employees as well as heightening the ongoing concerns over the FAA's lack of clarity over staffing. For years, PASS has been working with lawmakers on this committee and the agency to encourage the development of a staffing model for aviation safety inspectors in order to properly determine the number of inspectors needed to protect the system. During a shutdown, staffing needs become even more apparent since the agency is unclear on its reasoning for calling back a certain number of inspectors and the timing of the call backs is also uncertain. For instance, as the shutdown continued, in mid-January, Flight Standards altered its staffing plan and recalled approximately 1,700 principle inspectors. However, this only reflected about one-third of the inspector workforce within Flight Standards. The most recent FAA reauthorization legislation instructs the FAA to work with PASS to develop a more reliable staffing model. However, due to the shutdown and the threat of yet another closure, and as the FAA plays catch up with the backlog of oversight activities halted during the shutdown, it is unclear if and when a staffing model will be developed.

³ McGee, William J. "In Shutdown's Wake, FAA Inspectors Face Backlog of Safety and Maintenance Issues." *Consumer Reports*, January 25, 2019. Accessed February 10, 2019: <https://www.consumerreports.org/airline-safety/faa-inspectors-safety-maintenance-backlog-government-shutdown/>.

The shutdown may very well have long-term impacts within Flight Standards, which is already struggling to attract and retain aviation safety inspectors. The FAA is continuously competing with the airline industry that is oftentimes a more viable financial option for inspectors, particularly when airlines are economically sound. To this end, PASS is engaged in discussions with the FAA to identify ways to maintain these indispensable positions. For example, the FAA recently approached PASS with the idea of hiring certain employees at a higher salary level than typically offered due to hiring challenges. There is no guarantee that this modest increase will be enough to lure qualified employees into government service. Of certainty, the shutdown does not help and will have done nothing to encourage employees to leave industry or select public service. Additionally, Flight Standards continues to lose journeymen level inspectors at a higher rate than it is able to backfill. This is incredibly disconcerting, especially considering that it can take years to fully train an inspector. Inspector staffing is not just about attracting employees; it is about attracting employees with the right skills, training and expertise to perform the work.

UAS Oversight

Finally, it goes without saying that the aviation industry is rapidly evolving. This could not be more clearly displayed than through the growing Unmanned Aircraft Systems (UAS or drones) industry. As of July 2017, there were 879,696 registered UAS and over 21,000 UAS remote pilots.⁴ That number has no doubt risen over the past 19 months. According to the FAA, “Enabling rapid growth in UAS operations while maintaining safety of the NAS for all users has become a significant portion of the AVS mission....The success of all these initiatives is embedded in AVS’s diverse, highly skilled workforce.”⁵ In a 2016 memo to supervisors acquired by PASS, the former AVS director indicated that aviation safety technicians (ASTs) should handle virtually all UAS functions. However, ASTs were furloughed during the entire shutdown, essentially putting UAS oversight, approval and inspection at a standstill for 35 days. This no doubt will have far-reaching economic impacts on both the agency and the UAS industry.

It is indisputable that aviation safety inspectors and other employees in AVS should be on the job every day, secure in the knowledge that they will receive a paycheck, and able to perform their duties to the highest of standards.

AIR TRAFFIC ORGANIZATION

PASS also represents employees in the FAA’s Air Traffic Organization (ATO) including air transportation systems specialists (ATSS), electronics technicians, engineering technicians (colloquially referred to as the technician workforce) as well as other safety professionals and administrative staff. These employees install, test, troubleshoot, repair and certify radar, communications equipment, navigational aids, airport lighting and backup power systems, as well as maintain other systems, equipment and software associated with the NAS. They are the only people authorized to certify the operation of FAA systems and equipment, a task considered inherently governmental.⁶ In short, and according to the FAA’s description of the position, they are responsible for “everything air traffic controllers and pilots use for safe flight.”

⁴ Department of Transportation, *Federal Aviation Administration, Aviation Safety Workforce Plan 2017 – 2026*, pp. 46 – 47, 2017.

⁵ *Id.*, p. 6.

⁶ Manager, General Law Branch, AGC-110, memorandum to Manager, Maintenance Engineering Division, ASM-100, “Contractor Certification of Navigational Systems in National Airspace System (NAS),” June 18, 1991.

The majority of these employees were not furloughed—they reported to work every day without pay in order to fulfill their responsibility. Through rain, snow and ice, these dedicated professionals were on the job climbing towers and at the airports repairing and maintaining radio towers, RADAR, navigational aids and other equipment to ensure the NAS was functioning. Contrary to some reports, at no point during the shutdown did these employees engage in fix-on-fail maintenance; however, these employees worked under extreme stress to complete their work. Thanks to their dedication, the system was maintained at the highest standards under the conditions. These employees—many of them military veterans—take their commitment to the United States very seriously and only want to perform their jobs and be recognized for their dedication. When they go to work, they should only have to focus on the job of making sure equipment is properly maintained and certified, not whether their families are financially secure.

Modernization and Restoration

Proper staffing at critical airports throughout the country remains a challenge while hiring and training new technicians is not a quick or easy process. Inadequate technician staffing will no doubt result in increased restoration times during an outage and more air traffic delays. It can also make it difficult to ensure 24-hour safety coverage, a potentially dangerous situation that increases the risk of major air traffic issues. Understaffing of the FAA’s technical workforce combined with the daily stress of the government shutdown only undermines safety. The United States must strive to retain the very best men and women to ensure the safety of the world’s most complex aviation system.

Modernization of this complex aviation system is also directly impacted during a government shutdown. For 35 days, implementation of Next Generation Air Transportation System (NextGen) Modernization throughout the country was halted while NextGen programs, procedures and equipment were not being deployed. These intricate programs and the dedicated professionals carrying them out, all instrumental to NextGen, are sidelined during a shutdown. This halts modernization midstride, producing impacts that will continue to resonate throughout the system and lead to inevitable delays to the implementation of new technologies and procedures.

HUMAN IMPACT

The timing of the shutdown—before and after the Christmas holiday—could not have been worse for those not receiving a paycheck. Even though they were not getting paid, many FAA employees still had to report to work and endure the associated costs, such as transportation and child care. PASS surveyed members on the job during the shutdown to determine morale among coworkers. Phrases and words that appeared most often included “terrible,” “stressed,” “upset,” “frustrated” and “fatigued.” That is no type of work environment for the men and women responsible for ensuring the safety of the flying public.

It is also worth noting that a government shutdown impacts morale among the workforce. Not only are employees being deprived of compensation but forcing some employees to work while others are told to stay at home creates resentment and intensifies the frustration. While there is an attempt to lessen the burden on the public by requiring employees to continue work deemed to be essential, it cannot be lost that this disproportionately burdens employees. It is axiomatic that if

the public and aviation industry felt the full brunt of a deprivation of government services, the pressure to end a government shutdown would be overwhelming.

PASS also represents support staff in both AVS and ATO, often unsung employees who make sure facilities run in a safe and efficient manner. Not only are these employees typically lowest paid, they are also deemed to be ineligible to work during a shutdown. According to FAA guidance, “Employees whose sole responsibility is performing policy and operational support work would remain on furlough.”⁷ This is unacceptable. FAA employees—all FAA employees—should be able to focus on the critical duties of the job and not on whether they will be able to pay bills for the month or if they need to pick up a second job. These are real people struggling with real problems—house payments, sick children or parents, health issues, debt—and they should not be pawns in congressional negotiations.

ECONOMIC IMPACT

The impacts of the shutdown were not just felt in the pocketbooks of federal employees. According to an estimate from the nonpartisan Congressional Budget Office (CBO), the government shutdown cost the economy \$11 billion. The CBO also projects a slowdown in economic growth as the damage of the shutdown is becoming clearer by the day. When the government shutdown in 2013 for over two weeks, it took the FAA years to recover fully. How long it takes to recover from this shutdown, the longest in history, remains uncertain, especially with the threat of another government shutdown looming on the horizon. If another shutdown should occur, it will only multiply the effects and impacts on the country.

CLOSING

In closing, PASS emphasizes that every day the government is shutdown and FAA employees are impacted, the aviation system is gambling with aviation safety.

The U.S. aviation system is a well organized, cohesive unit, with all parts working together. As with any functioning system, removing one section or placing unwarranted stress on a particular area will result in weaknesses with the potential to derail the entire system. Without support staff in place, facilities would not operate at an optimum level; without technicians in place, controllers would not be able to perform their job; and without inspectors in place, the aviation system could potentially be less safe and would certainly be less efficient. The full team needs to be on the job, free of unnecessary burdens unrelated to the mission.

Aviation plays a critical role in today’s economy and delivers invaluable services to the flying public and the military. The FAA is simply not operating at full potential during a shutdown. The flying public should not be subjected to unnecessary risk due to political disagreements. The situation must not be repeated. While appropriators have assured that the FAA receives full funding in recent years, congressional disagreements have resulted in uncertainty. PASS calls on those in power to reach a funding deal that will prevent another government shutdown and fully fund the Department of Transportation and the FAA.

⁷ Department of Transportation, Office of the Assistant Secretary for Budget and Programs, and CFO, “Operations During a Lapse in Annual Appropriations Plans by Operating Administration,” December 2018 (revised as of January 11, 2019).

