September 16, 2011

FAA REAUTHORIZATION EXTENDED INTO 2012

With the current extension ending at midnight tonight, Congress approved the 22nd extension of the FAA reauthorization. The Surface and Air Transportation Programs Extension Act of 2011 (H.R. 2887), which combines the FAA extension and the federal surface transportation extension, extends funding for FAA programs at current levels through January 31, 2012, and for highway and transit programs until March 31, 2012. The legislation authorizes nearly $20 billion for highways and about $5.4 billion for the FAA. The House unanimously passed the bill on September 13; the Senate passed it by a vote of 92-6 on September 16. The bill is expected to be signed by the president prior to the midnight deadline.

While this extension was passed without the shutdown and furloughs experienced during negotiations over the last extension, it was not without incident. The first version of the extension advanced by House Transportation and Infrastructure Committee Chair John Mica (R-Fla.) included back pay for FAA employees impacted by the furloughs, but it also included a 5 percent cut in the agency’s budget level. In order to pass a clean extension, both provisions were stripped from the legislation.

However, the largest threat to passage of this extension was due to one senator’s opposition to a provision pertaining to the highway portion of the legislation. Sen. Tom Coburn (R-Okla.) attempted to block Senate passage of the extension unless an amendment was accepted that would have allowed states to opt out of a mandate requiring them to spend 10 percent of surface transportation funds on highway enhancements such as bike paths, landscaping and similar projects. Colleagues and constituents criticized Coburn for holding up the legislation and putting at risk thousands of jobs. PASS members in Oklahoma contacted the senator’s office in order to communicate to him the importance of passing the extension. Finally, late in the day on September 15, Coburn relented when senators agreed to include the language in the next surface transportation reauthorization bill.

With this latest extension securing funding into next year, pressure continues to mount for the passage of a multiyear FAA bill. The House and Senate have each passed long-term FAA reauthorization bills this year (H.R. 658 and S. 223, respectively) but have not reached agreement on final legislation. Disagreements remain over funding levels, a provision in the House-passed measure that would repeal a National Mediation Board rule making it easier for railway and airline workers to unionize, and the number of long-distance slots at Reagan National Airport in Washington, D.C. “Pending enactment of a long-term bill, this short-term extension is the responsible path forward,” said Rep. Nick Rahall (D-W.Va.), ranking member on the House Transportation and Infrastructure Committee. However, Rahall continued by stressing the importance of passing long-term legislation. “Let us finish a long-term reauthorization and show the American people that Congress puts planes and passengers before politics,” he said.

In an opinion piece, Department of Transportation Secretary Ray LaHood and FAA Administrator Randy Babbitt echoed the sentiment expressed by Rahall and others. “Now is the time for action. Now is the time to put country ahead of party. Thousands of jobs, the United States’ economic recovery, and the best aviation system in the world still hang in the balance,” they said. PASS remains committed to working with members of Congress to secure a long-term bill that includes provisions important to PASS members.
Although the back pay provision was not included in the latest extension, there is standalone legislation aimed at providing relief for the thousands of FAA employees impacted by the furloughs. Rep. Frank LoBiondo (R-N.J.) introduced the Furloughed FAA Employees Compensation Act (H.R. 2814) in August. The bipartisan-supported bill would provide Transportation Secretary Ray LaHood with the authority to pay the salaries and benefits of the approximately 4,000 FAA employees who were furloughed during the partial shutdown. The money for the retroactive pay would come from the Aviation Trust Fund. PASS continues to work with LoBiondo’s office and others to secure back pay for furloughed FAA employees.

HOUSE SUBCOMMITTEE APPROVES FY 2012 TRANSPORTATION FUNDING

Continuing Resolution Expected to Keep Government Running Until November 18

On September 8, the House Transportation, Housing and Urban Development, and Related Agencies Subcommittee, Committee on Appropriations, approved the FY 2012 Transportation, Housing and Urban Development Appropriations bill. The bill provides annual funding for the Department of Transportation, including the FAA, the Department of Housing Development and other related agencies. The legislation allocates a total of $55.15 billion in discretionary funding, which is $19.8 billion below the president’s request and $217 million below last year’s level. The bill has been sent to the full Committee on Appropriations for markup, and the Senate Transportation, Housing and Urban Development, and Related Agencies Subcommittee is expected to mark up its version of the bill next week.

The House bill includes $16.7 billion in discretionary funding for the DOT, which is $3 billion over FY 2011 levels but $15.8 billion less than the administration’s budget request. Of this amount, the House bill appropriates $12.6 billion for the FAA, which is a $233 million increase over FY 2011 levels but $485 million less than the president’s request. The bill requests $9.7 billion for FAA operations, which is approximately $1 million more than last year’s enacted level and $1 million less than the president’s request. Of this amount, $7.6 billion will be available for the Air Traffic Organization (ATO) and $1.3 billion for aviation safety activities. These amounts are equal to the FY 2011 levels. Within the operations budget, $4.9 billion will be derived from the Airport and Airway Trust Fund. The legislation also requires that not later than March 31 of each fiscal year, the FAA administrator shall transmit to Congress a report describing a strategy for staffing, hiring and training Flight Standards and Aircraft Certification staff, including stated attrition estimates and numerical hiring goals by fiscal year.

For facilities and equipment, the House bill includes $2.8 billion, which is slightly less than the president’s request but more than FY 2011 levels. Of this amount, $2.3 billion will be available until September 30, 2014, and $480 million will be available until September 30, 2012. For research, engineering and development, the House bill recommends $175 million, which is $5 million over FY 2011 levels but $15 million less than the president’s request. This amount is available until September 30, 2014. Funding for both of these accounts is derived from the Airport and Airway Trust Fund.

Since Congress is not expected to complete work on any appropriations bills before the end of the fiscal year, a continuing resolution will be necessary to keep the government functioning. On September 14, the House Appropriations Committee introduced a continuing resolution (H. J. Res. 79) to keep the government operating until November 18. The resolution continues government operations at a rate of $1.043 trillion, which is the amount agreed to by Congress and the White House in the recent debt-ceiling legislation. The resolution also includes $3.65 billion in disaster relief funding for those impacted by Hurricane Irene, recent wildfires, the floods and tornadoes in the Midwest and South, and other natural disasters. Members of Congress are expected to continue work on the continuing resolution next week.