111TH CONGRESS ADJOURNS
FAA Reauthorization Extended Through March,
Continuing Resolution Passed to Keep Government Operating

On December 22, the 111th Congress adjourned with the passage of legislation aimed at keeping the federal government functioning and extending FAA reauthorization for the 17th time. With the passage of a continuing resolution and the extension of FAA reauthorization, the 112th Congress will have to address major issues during its first few weeks in session, granting Republicans, who take control of the House in January and gain numbers in the Senate, an early chance to shape government operations.

Since the current FAA reauthorization extension is set to expire at the end of the year, Congress passed a bill (H.R. 6473) to extend taxes and the authority to spend money from the Airport and Airway Trust Fund through March 31, 2011. The FAA has been operating without a long-term reauthorization since 2007. Over the past several years, PASS had worked with members of Congress to secure important provisions for PASS bargaining unit members in the FAA reauthorization legislation. With new House Transportation and Infrastructure Committee Chair John Mica (R-Fla.) indicating that he wants to write his own bill, the entire process will start over again under new House leadership. The union will continue to work to ensure that any FAA reauthorization legislation includes critical language aimed at, among other things, providing for a fair contract negotiations process between the FAA and its unions; maintaining adequate staffing levels for technicians and inspectors; requiring the FAA to involve FAA unions in its modernization efforts; and increasing and improving aviation safety oversight.

Prior to adjourning, Congress also passed a continuing resolution to keep the federal government operating through March 4, 2011. Amid protests from Senate Republicans, Senate Democrats were forced to abandon their efforts at passing a $1.1 trillion omnibus spending bill for all of FY 2011. The continuing resolution will fund the federal government, including the Department of Transportation, at FY 2010 levels.

Included in the continuing resolution is a two-year pay freeze for all federal civilian employees in 2011 and 2012. President Obama proposed the pay freeze on November 29 with a projected savings of approximately $60 billion over 10 years. Along with several other federal labor unions, PASS has expressed extreme dissatisfaction at the president’s introduction of and congressional support for the pay freeze. “While PASS understands the president’s desire to address the federal deficit, we are disappointed that federal employees have been targeted as scapegoats,” said PASS National President Tom Brantley.

Before adjourning for the year, Congress also passed an $858 billion tax bill, which the president signed into law on December 17. Included in the legislation was a one-time two percent reduction in the Social Security payroll tax. Federal employees enrolled in the Federal Employees Retirement System (FERS) are eligible for the tax break, while those under the Civil Service Retirement System (CSRS), who do not pay into Social Security, are not. The original language of the provision extended the tax cut to employees under FERS but it would have been entirely offset by an increase in their contributions to the Civil Service Retirement and Disability Fund due to Title V regulations. However, members of Congress worked to adjust the bill’s language prior to sending it to the president in order to ensure that FERS employees received the tax break.

Also of importance to PASS, at press, several House committee chair positions have been finalized. As indicated above, Mica was confirmed as chair of the House Transportation and Infrastructure Committee on December 8, and Rep. Nick Rahall (D-W.Va.) has been named the ranking Democrat on the committee. Rep.
Hal Rogers (R-Ky.) will be the next chair of the House Appropriations Committee with Rep. Norm Dicks (D-Wash.) serving as ranking Democrat. Rep. Darrell Issa (R-Calif.) will take over as chair of the House Oversight and Government Reform Committee and Rep. Elijah Cummings (D-Md.) will serve as ranking Democrat. At press, House subcommittee leadership positions and Senate committee and subcommittee leadership positions had not been announced.

REPORTS EXAMINE ISSUES CRITICAL TO PASS

During the final months of 2010, the Department of Transportation Inspector General (IG) and Government Accountability Office (GAO) released several reports related to critical PASS issues. Many of these reports were the result of PASS’s efforts to secure language in legislation directing that such studies be conducted.

In Federal Aviation Administration: Agency Is Taking Steps to Plan for and Train Its Technician Workforce, but a More Strategic Approach Is Warranted, the GAO examined the FAA technician workforce and measured the extent to which the FAA has the technical personnel with the right skills to maintain its equipment and facilities now and in the near future. The report emphasized that, as the FAA transitions to the Next Generation Air Transportation System (NextGen), not only will the technicians’ workload increase but safe and efficient air travel will depend on the FAA having a “sufficient number of skilled technicians to ensure that both the legacy and the new systems are properly maintained and certified throughout the transition.” The GAO recommended that the FAA develop a written technician workforce planning strategy that identifies needed skills and staffing as well as a strategic training plan.

The second October report, Certification and Approval Processes Are Generally Viewed as Working Well, but Better Evaluative Information Needed to Improve Efficiency, examined the FAA’s certification and approval processes for Flight Standards and Aircraft Certification. Overall, industry experts and stakeholders interviewed by the GAO found the processes to be working well and contributing to aviation safety; however, when there are negative experiences, they can result in costly delays. Although the FAA has made moves to improve the processes, there is no structure in place to measure whether these actions are working. The GAO recommended that the FAA develop an evaluative process with measurable performance goals to determine the effectiveness of the agency’s actions.

On November 22, the GAO released a letter to Rep. John Mica (D-Fla.) regarding integration of current implementation efforts with long-term planning for NextGen. The letter revealed that, although the FAA has identified near-term and midterm capabilities for NextGen, long-term capabilities are still being analyzed and the agency has yet to make key decisions. The GAO expressed concern that, while the FAA has identified some capabilities and performance areas for NextGen, it has not established clear goals for the performance of these capabilities or settled on a set of metrics for measuring performance related to any goals.

On December 10, 2010, the IG released a report titled FAA Needs to Implement More Efficient Performance-Based Navigation Procedures and Clarify the Role of Third Parties. The report examined the extent to which the FAA is relying on third parties to develop new procedures and whether the agency has sufficient mechanisms and staffing to provide safety oversight of third parties’ procedure development process. The IG found that the FAA had not fully laid the groundwork for successfully implementing Required Navigation Performance (RNP) procedures and recommended, among other things, that the FAA clearly define and communicate its implementation strategy and the role of third parties.

Lastly, on December 20, the IG released the results of its investigation into the Air Transportation Oversight System (ATOS). Along with several previous reports and congressional hearings on the matter, FAA Needs to Improve Risk Assessment Processes for Its Air Transportation Oversight System is in response to safety lapses that occurred at Southwest Airlines in 2008. In the report, the IG is critical of the FAA, emphasizing that ATOS weaknesses “hinder [the FAA’s] ability to effectively target inspector resources to the areas of greatest need.” The IG identified areas in which the agency could improve its management and oversight of ATOS and offered several recommendations.