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United States Senate

January 16, 2019

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Daniel K. Elwell
Acting Administrator
Federal Aviation Administration
800 Independence Avenue, SW
Washington, DC 20591

Dear Acting Administrator Elwell,

We write to inquire about the steps the Federal Aviation Administration (FAA) is taking to maintain aviation safety during the government shutdown.

Since the lapse in federal funding, thousands of FAA employees have been furloughed, thousands more have been forced to work without pay, and several safety-critical functions have ground to a halt. This disruption in the FAA's operations may pose a number of safety and efficiency challenges, including:

- **Straining the Air Traffic Control System** — Our nation's air traffic control system ensures the safe, orderly, and expeditious flow of aircraft. Without appropriations, more than 14,000 air traffic controllers have been forced to perform their safety-critical functions without compensation. This financial insecurity, coupled with the increased hours some controllers are reportedly working to cover for existing staffing shortfalls, may introduce unnecessary stress to this high-risk job, potentially increasing the likelihood of mistakes. As the shutdown persists, controllers may be forced to seek new employment altogether, exacerbating an existing staffing crises in which the number of fully certified controllers has plummeted to a 30-year low, the number of controllers eligible for retirement has grown to 18 percent, and all hiring and training of new controllers has stopped.
- **Hampering Safety Inspections and Oversight** — The lapse in funding has resulted in the furlough of more than 3,000 aviation safety inspectors who are charged with certifying the safety of aircraft, maintenance facilities, and pilots, effectively sidelining our aviation safety cop on the beat.¹ Yesterday, the FAA ordered inspectors to resume their duties

¹ Thomas Kaplan. "F.A.A. Unions Highlight Potential Risks to Air Safety From Shutdown." *New York Times*, (Jan. 10, 2019). www.nytimes.com/2019/01/10/us/politics/shutdown-faa.html.

without pay, but it remains unclear whether there will be a sufficient number of safety personnel to perform their crucial tasks, and how long the FAA can retain these employees without pay.² Additionally, the shutdown is preventing the FAA from issuing certifications for new and current pilots, testing prospective aviation mechanics, and approving updated aviation training manuals, training center evaluators, and flight simulators.³ Further, while front line employees continue to file Aviation Safety Action Program (ASAP) reports — reports of safety deficiencies encountered during daily operations — we are told that in most instances FAA aviation safety inspectors are not participating in the review and analysis of these reports. Without the ongoing review and resolution of safety reports, there is increased potential for reported safety issues to go unattended until the shutdown ends.

- **Delaying the Modernization of Airports and Equipment** — The shutdown has forced the FAA to stop the development and testing of NextGen air traffic control technologies, which will allow aircraft to travel safer and more efficient routes. Further, the FAA is prohibited from approving airport infrastructure projects using federal funding.

As the agency entrusted to “provide the safest, most efficient aerospace system in the world,” not an hour, let alone a day, should go by without total commitment to this goal, even during this shutdown.⁴ It is essential that Congress and the public understand the effect of the lapse in federal funding on FAA operations and aviation safety. Therefore, we respectfully request answers to the following questions by January 30, 2019:

1. Is the FAA currently completing all necessary air travel safety inspections? If so, how is this accomplished given the staffing limitations the shutdown has imposed? If not, what inspections is the agency prioritizing over others and what impact will this have on safety?
2. What steps is the agency taking to retain air traffic controllers during this period of financial hardship?
3. Please explain how the FAA will cope with an anticipated backlog in issuing certifications for new and current pilots, testing prospective aviation mechanics, and approving updated aviation training manuals, training center evaluators, and flight simulators.
4. The FAA has closed its air traffic controller training academy. In contrast, the Transportation Security Administration (TSA) has continued the training and hiring of transportation security officers, despite the shutdown. TSA maintains that training and hiring of security officers is exempt from the shutdown because it is integral to TSA’s

² Sam Mintz and Brianna Gurciullo, “FAA Recalls Thousands of Furloughed Employees” Politico, (Jan. 15, 2019), <https://www.politico.com/story/2019/01/15/faa-furlough-employees-1101487>.

³ Letter from the National Air Traffic Controllers Association to The Honorable Donald J. Trump; The Honorable Nancy Pelosi; The Honorable Mitch McConnell, (Jan 10 2019), https://www.natca.org/images/NATCA_PDFs/Aviation-Shutdown-Impacts-Ltr_FINAL_01.10.19.pdf


⁴ “Mission,” *Federal Aviation Administration*, (Apr. 23 2010), www.faa.gov/about/mission/.

“safety of life” mission. What is the rationale for closing the FAA Academy in Oklahoma City? Does the FAA consider hiring and training of air traffic controllers to be integral to its “safety of life” mission? With the closure of the academy, please provide a detailed overview of how the agency will meet its stated FY 2019 hiring goal of over 1,400 air traffic controller trainees.

5. Please detail how the shutdown will impact the costs and timing of developing the NextGen air traffic control system.
6. When will the FAA resume participation in ASAP activities to ensure that safety reports from front line employees are addressed?

Thank you for your immediate attention to this important issue. The American people deserve to know that their air travel remains safe.

Sincerely,



Edward J. Markey
United States Senator