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United States Senate

COMMITTEE ON COMMERCE, SCIENCE,
AND TRANSPORTATION

WASHINGTON, DC 20510-6125

WEB SITE: <http://commerce.senate.gov>

April 22, 2013

The Honorable Ray LaHood
Secretary
U.S. Department of Transportation
1200 New Jersey Avenue, S.E.
Washington, D.C. 20590

The Honorable Michael P. Huerta
Administrator
Federal Aviation Administration
800 Independence Avenue, S.W.
Washington, D.C. 20591

Dear Secretary LaHood and Administrator Huerta:

The Commerce Committee has persistently requested that the Department of Transportation (DOT) and the Federal Aviation Administration (FAA) provide information on how they would implement sequestration and the effects it would have on the air transportation system. To date, the Administration's response to our inquiries has consistently been slow and disturbingly limited.

Administrator Huerta's testimony before the Commerce Committee just this past week provides an illustrative example. When asked directly to detail the impact of sequestration on the air transportation system, Administrator Huerta provided only general statements. That very same afternoon senior FAA officials were providing a detailed briefing to airlines on the effect air traffic controller furloughs would have on the air transportation system's operations and capacity, complete with airport-by-airport estimates.

The FAA's plan to furlough air traffic controllers and close so many contract towers raises serious safety and operational issues. The very purpose of the Commerce Committee's hearing was to have a public discussion of aviation safety issues, and the Administrator's lack of a detailed response missed a critical opportunity to consider and debate the serious implications of the sequester's possible impacts. The flying public deserves a fuller understanding of what kind of travel delays they may be facing as a result of the sequester in order to better plan if they have the wherewithal, desire, or ability to do so. The FAA's authorizing and oversight Committee is entitled to the basic information you have been processing as you make tough calls about consequences of sequestration rather than learning about key details after the fact.

Secretary LaHood
Administrator Huerta
April 22, 2013

We are now faced with substantial possible disruptions to the air transportation system. Air traffic controllers have begun to be furloughed and 149 contract air traffic control towers are scheduled to close on June 15, 2013. Congress and the public have raised legitimate questions about how the sequestration process has been handled and what can be done to mitigate the effects. Many stakeholders argue that you have flexibility within your budget to avoid or minimize air traffic controller furloughs and the closure of the contract control towers by cutting elsewhere and transferring funding among accounts – flexibility both between the FAA’s three major accounts subject to sequestration (Operation; Facilities and Equipment; and Research, Engineering and Development) and between sub-accounts specific to the Operations account (air traffic organization activities; aviation safety activities; commercial space transportation activities; finance and management activities; human resources program activities; NextGen program activities; and staff offices). Accordingly, we would like an immediate and detailed response to the following questions:

1. How much funding do you need to avoid furloughing air traffic controllers for the remainder of fiscal year (FY) 2013 and to keep the contract air traffic control towers open?
2. Have you done a comprehensive analysis of the projected delays and/or cancellations throughout the system as a result of the air traffic controller furloughs? How many passengers will be affected by these furloughs?
3. What measures have you taken to communicate to the public and work with airlines to minimize the impact of the air traffic controller furloughs prior to your decisions regarding sequester implementation?
4. What measures have you taken to communicate to the public and work with airlines to minimize the impact of the air traffic controller furloughs after you finalized your plans?
5. Prior to your decision to implement an across-the-board furlough, did you pursue any furlough plan alternatives that would have mitigated the impact on air traffic operations (both safety and capacity)? If so, please provide safety and capacity impact analysis of those alternatives to the Committee.
6. How much funding is left within each of the FAA’s major and sub-accounts identified above?
7. Please provide the FAA’s spend plan for the Operations Account by object class by month at the sequester level for the full current fiscal year.
8. Have you used your budgetary authority to transfer up to two percent among the accounts above to avoid controller furloughs?
9. Have you used your budgetary authority to transfer up to an additional three percent (five percent total) among these accounts to avoid or reduce controller furloughs?
10. Please provide a detailed account of all travel and conference expenditures to date beginning October 1, 2012, and planned future travel for the rest of this fiscal year. Please identify from which account (Operations, Facilities and Equipment, or Research and Development) the travel was funded, the purpose of such travel, and in the case of travel not associated with maintenance of the air traffic control system, the names of any senior officials participating in such travel.

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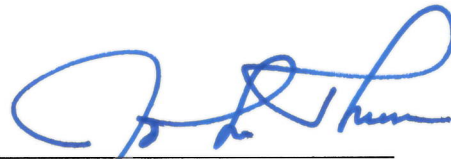
11. Have you considered focusing air traffic controller furloughs on lower volume facilities in order to minimize the impact on the traveling public? What does your analysis show regarding the impact this approach would have on the system and how much savings would it produce?
12. What could you cut from other accounts to avoid or reduce air traffic controller furloughs and contract tower closures?
13. What would the impact of these offsetting cuts be on the aviation system to avoid air traffic controller furloughs and continue operating the contract control towers?
14. How much was the NextGen budget cut overall? Which specific programs and activities were cut, and by how much? How will this affect the program in both the near and long-term? What are the schedule impacts from these cuts? Have any programs/activities been permanently eliminated?
15. Were safety analyses (for both individual towers and collective impact of closures) performed prior to the decision to close the 149 contract control towers? If yes, please provide this information.
16. How much expiring or previous year money was available to offset the sequester cuts as of March 1, 2013?
17. How will the FAA's airline safety oversight activities be affected by the sequestration cuts? What would the impact be if you cut these activities further in order to avoid or reduce air traffic controller furloughs and contract tower closures?
18. How will the FAA's certification activities be affected by the sequestration cuts?

In addition to these questions, Senator Blunt has introduced S. 724, a bill to provide flexibility to agencies on determining what employees are essential personnel in implementing the sequester. How would this legislation affect the FAA's ability to implement sequester cuts?

These are critical questions that the Congress and the public need to have clear answers to as we move forward in addressing the sequester's impact. We would appreciate an immediate response as your projections suggest major consequences for our air traffic system and air travelers, as well as potentially serious economic ramifications. We want to be able to work quickly on developing potential solutions as appropriate.

Sincerely,



John D. Rockefeller IV
Chairman

John Thune
Ranking Member