

**U.S. SENATE
COMMERCE COMMITTEE
SUBCOMMITTEE ON AVIATION**

**“FAA Reauthorization Act of 2009”
May 13, 2009**



**Testimony of
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Good afternoon, Mr. Chairman and Members of the Aviation Subcommittee.

My name is Ken Hall, Vice-President at large and Director of the Package Division of the International Brotherhood of Teamsters, the largest transportation union in the country.

I am honored to have the opportunity to testify before this subcommittee on behalf of 1.4 million Teamster men and women, and especially on behalf of over 300,000 Teamsters who are part of the Package and Airline Divisions of the IBT.

The Teamsters are committed to safety on the ground and safety in the skies. Our 1.4 million members understand and strongly support the efforts of this Subcommittee, and indeed the efforts of the entire Congress, to enact, this year, legislation reauthorizing the Federal Aviation Administration.

In the short time available for my oral presentation, I will focus on two areas of concern to Teamsters and the entire American public:

- Fixing the express carrier loophole to level the playing field in the package delivery industry, and;
- Creating a single high regulatory standard with respect to aircraft maintenance outsourcing.

Mr. Chairman, the Teamsters strongly support the language in HR 915, authored by Chairman Jim Oberstar, which closes a loophole in current law allowing one company, FedEx, to misclassify thousands of its workers under the wrong labor law. The result is that Congress has granted one company an unfair competitive advantage and deprived its workers of rights that similarly situated employees working for other package delivery companies enjoy.

As we all know, private sector labor-management relations in our country are governed by two laws - the Railway Labor Act and the National Labor Relations Act. Mr. Oberstar's language restores the original intent of the Railway Labor Act by stipulating that employees of an express carrier are covered by the Railway Labor

Act only if their work relates directly to aircraft operations, while employees that have nothing to do with aircraft operations are covered under the National Labor Relations Act. We believe that this legislation is fair and reasonable.

The loophole in current law is bad public policy. Because of the special treatment that FedEx Express receives, the majority of its employees as a practical matter cannot choose to secure union representation. For example, UPS employees who work as package car drivers, tractor trailer drivers, loaders, unloaders, sorters and truck mechanics can organize under the NLRA. Employees at FedEx Express who perform precisely the same work requiring the same skill sets are treated dramatically different under our labor laws and are subject to the Railway Labor Act, even though they never touch an airplane. Employees performing the same work, employed by companies that provide the same services, should have the same rights to organize a union. Unfortunately, the quirk in the current law has deprived FedEx workers of the right to determine whether to organize in their workplace communities, a right enjoyed by their counterparts at UPS.

The Teamsters respectfully urge this Subcommittee, the full Committee and the United States Senate to include the Express

Carrier Employee Protection Act language in the FAA Reauthorization bill.

The second subject I would like to address is of vital importance to the safety of America's flying public as well as to the national security of our country; the dangerous trend of outsourcing heavy aircraft maintenance on American commercial aircraft to foreign repair stations.

US air carriers have ever-increasing amounts of significant maintenance performed on their aircraft by FAA-certified foreign repair stations or their contractors that are **not** subject to the same safety and security standards as domestic repair stations.

The Department of Transportation's Inspector General reported that 71 percent of heavy airframe maintenance work was outsourced in 2007 with about 27 percent going to foreign stations.

This trend has eroded passenger safety, increased homeland security risk, and decimated a skilled workforce of American aircraft mechanics.

The FAA certifies foreign aircraft repair stations without holding these facilities and their workers to the same standards as domestic repair stations. H.R. 915 attempts to close some of these safety loopholes. Specifically, the bill mandates that foreign stations be inspected at least twice a year by FAA inspectors and that workers at these facilities be held to the same drug and alcohol testing rules as workers at U.S. stations.

In addition, the bill puts an end to non-certified stations, both in the US and abroad, from performing major and significant overhaul work. God forbid one of our aircraft crashes because of shoddy maintenance performed at an uninspected foreign repair station.

In addition to the current language of the HR 915, the IBT has proposed additional legislation, “*the Aircraft Maintenance Safety And Security Act of 2009*,” requiring the FAA and the TSA to ensure that passengers on US airlines are provided with the same level of safety and security regardless of where the aircraft are maintained. Specifically, our bill calls for:

- The same drug and alcohol testing programs and the same pre-employment investigations, including criminal background checks and restrictions for employees and contractors of FAA-

certified foreign repair stations as are required at domestic repair stations;

- Establishing and enforcing the same high levels of FAA and TSA oversight with a deadline of one year requiring the FAA and the TSA to develop and promulgate the necessary rules to implement the safety and security objectives relating to HR 915.

In others words, the IBT strongly urges a single high regulatory standard for all repair stations both domestic and foreign. This is the only way to ensure the safety of America's flying public and to protect our homeland from threats originating in a foreign repair station as a result of lax regulatory standards.

Foreign based aircraft mechanics should be subject to the same regulations as US mechanics. It makes *sense* to require aircraft mechanics to undergo the drug and alcohol testing and criminal background checks regardless of where they are located. If a station chooses to perform work on U.S. aircraft, that station must meet the same requirements as U.S. repair facilities.

Mr. Chairman, let me again urge this Subcommittee and the full Commerce Committee to act as quickly as possible to enact legislation reauthorizing the FAA.

Thank you for the opportunity to share the views of the IBT with this distinguished Subcommittee.