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FEDERAL AVIATION ADMINISTRATION REAUTHORIZATION: ENABLING A 21ST-CENTURY AVIATION SYSTEM

(114–7)

HEARING

BEFORE THE

SUBCOMMITTEE ON
AVIATION

OF THE

COMMITTEE ON
TRANSPORTATION AND
INFRASTRUCTURE
HOUSE OF REPRESENTATIVES

ONE HUNDRED FOURTEENTH CONGRESS

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Committee on Transportation and Infrastructure
U.S. House of Representatives

Washington, DC 20515

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February 27, 2015

SUMMARY OF SUBJECT MATTER

TO:	Members, Subcommittee on Aviation
FROM:	Staff, Subcommittee on Aviation
RE:	Subcommittee Hearing on "Federal Aviation Administration Reauthorization: Enabling a 21st Century Aviation System"

PURPOSE

The Subcommittee on Aviation will meet on Tuesday, March 3, at 9:30 a.m. in 2167 Rayburn House Office Building to hear testimony on issues related to the Federal Aviation Administration (FAA) and Federal aviation programs with a view toward reauthorizing the programs before they expire on September 30, 2015. The Subcommittee will hear testimony from the FAA Administrator, the sole witness.

BACKGROUND

The last multi-year FAA reauthorization, the *FAA Modernization and Reform Act of 2012* (P.L. 112-95), was signed into law on February 14, 2012, and covered fiscal years 2011-15. Prior to the law's enactment, the FAA was funded through a series of 23 short-term extensions. The absence of a long-term reauthorization created difficulties for the agency and industry in long-term planning for investments in the aviation system.

The aviation industry is a crucial sector of the United States economy. Commercial aviation is responsible for roughly five percent of our gross domestic product and contributes roughly eleven million American jobs to our economy.[1] The aviation industry is comprised of a variety of different sectors, commercial aviation, airports, general aviation, and manufacturing. These sectors within the aviation industry are dependent upon a safe, efficient, and modern air traffic control system; a well-maintained and vast airport network; innovative and robust manufacturing sector; and efficient, effective, and economical regulatory processes.

[1] FAA "The Economic Impact of Civil Aviation on the U.S. Economy." June 2014. Pg. 5

The United States has roughly 19,453 airports providing services to our aviation system, and in many communities they are key economic drivers.[2] U.S. commercial airports support roughly 9.6 million jobs and produce an annual output of $1.1 trillion.[3]

In 2014, general aviation (GA) in the United States had a total economic output of $219 billion and supported roughly 1.1 million jobs.[4] GA represents a broad range of aviation activities, including business, recreation, agriculture, law enforcement, air ambulance operations, and disaster relief.[5]

Commercial aviation is a major component of the U.S. economy, driving 11.3 million U.S. jobs, nearly $1.5 trillion annually in economic activity, and 5.1 percent of U.S. gross domestic product.[6] The 2014 FAA forecast predicts U.S. carrier passenger growth over the next 20 years to average 2.2 percent per year, unchanged from 2013's forecast. If these forecasts hold true the modernization of our air traffic control system, through a set of programs to develop the Next Generation Air Transportation System (NextGen), is critically important to ensure system capacity meets demand.

In 2012, civil aircraft manufacturing was a top net exporter, with a positive trade balance of $54.3 billion.[7] Since the end of the 2008 recession, real U.S. economic growth averaged 2.4 percent per year, but in the same time frame the real primary output of civil aviation grew an average of 3.9 percent a year.[8]

Aviation Funding.

The FAA's total enacted budget for fiscal year (FY) 2015 is roughly $15.8 billion; within that budget are four different accounts:

- Operations (roughly $9.7 billion);
- Facilities & Equipment ($2.6 billion);
- Research, Engineering, & Development ($157 million); and
- Grants-In-Aid for Airports ($3.35 billion).

These four accounts are funded through two different funds, the Airport and Airway Trust Fund (Trust Fund) and the General Fund of the Treasury. The Trust Fund was created in 1970 and is directly funded through revenues collected from a series of excise taxes paid by users of the

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[2] Department of Transportation Bureau of Transportation Statistics. http://www.rita.dot.gov/bts/sites/rita.dot.gov.bts/files/publications/national_transportation_statistics/html/table_01_03.html

[3] http://airportsforthefuture.org/files/2014/09/Economic-Impact-of-Commercial-Aviation-2013.pdf

[4] "General Aviation Statistical Databook & 2015 Industry Outlook." 2014. General Aviation Manufacturer's Association http://www.gama.aero/files/GAMA_2014_Databook_LRes%20-%20LowRes.pdf

[5] General aviation does not include scheduled commercial flights or military flights.

[6] Airlines for America. "Industry." http://airlines.org/industry/

[7] FAA "The Economic Impact of Civil Aviation on the U.S. Economy." June 2014. Pg. 5

[8] FAA "The Economic Impact of Civil Aviation on the U.S. Economy." June 2014. Pg. 5

national airspace system:[9]

- 7.5 percent passenger ticket tax;
- $4.00 passenger flight segment fee (does not apply to passengers departing from a rural airport, defined as those that have less than 100,000 passengers per year);
- 6.25 percent freight waybill tax;
- $17.70 international departure and arrival taxes;
- 7.5 percent frequent flyer award tax;
- $8.90 Alaska and Hawaii international air facilities tax; and
- Aviation fuel taxes as follows:

    - 4.3 cents on commercial aviation;
    - 19.3 cents on general aviation gasoline; and
    - 21.8 cents on general aviation jet fuel.

According to the U.S. Treasury Department, these taxes raised about $13.5 billion in FY 2014, including the following amounts:

- $9.3 billion from the passenger ticket taxes;
- $465 million from the freight waybill tax;
- $353 million from the commercial aviation fuel taxes;
- $210 million from general aviation taxes; and
- $3.2 billion from the international departure and arrival taxes.

The Trust Fund continues to earn interest on its cash balance, which was $14.2 billion at the end of FY 2014.

Airport Financing.

In the 2015-2019 National Plan of Integrated Airport Systems (NPIAS), the FAA projects grant-eligible airport development needs will total $33.5 billion over the next five years; averaging $6.7 billion per year.[10]

To finance daily operations, airports generate and rely on both aeronautical and non-aeronautical revenue. The primary source of aeronautical (or airside) revenue is derived from fees that airlines pay for the use and maintenance of the airport facilities, including terminal rents, landing fees, and other airport services (i.e., use of a jet bridge).[11] Non-aeronautical (or terminal and landside) revenue includes those funds generated through things such as concessions, parking and airport access, rental car operations, and land rent.[12]

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[9] This list includes only those taxes that are deposited into the Trust Fund, not other fees such as the $2.50 security fee on aviation users.
[10] FAA. "Report to Congress National Plan of Integrated Airport Systems." http://www.faa.gov/airports/planning_capacity/npias/reports/media/npias-2015-2019-report-narrative.pdf
[11] Airports Council International-North America, Primer: Airport Financing
[12] *Id.*

To finance capital needs, airports use a combination of federal grant funding (through the Airport Improvement Program (AIP)), passenger facility charges (PFCs), tax-exempt bonds (often secured by airport revenue or PFCs), state and local grants, and airport revenues.

AIP provides grants to public agencies — and, in some cases, to private owners and entities — for the planning and development of public-use airports that are included in the NPIAS.[13] AIP is funded entirely by the Trust Fund. In addition to the AIP, the Trust Fund also fully funds the FAA's air traffic control facilities and equipment (F&E) modernization program and its aviation research program. The Trust Fund also partially pays for the salaries, expenses and operations of the FAA.

As of 2013, there were approximately 19,453 airports in the United States.[14] Of those, 542 served air-carrier operations with aircraft seating more than nine passengers and 19,191 were general aviation airports.[15] There were 3,345 public-use airports (3,331 existing and 14 proposed) identified in FY 2015. Public-use airports included in the NPIAS are eligible for AIP grants.

Entitlements.

The law divides AIP funding into two broad categories: entitlement funds and discretionary funds. Entitlement funds are further divided into four sub-categories. They are --

- Primary airport entitlements;
- Cargo airport entitlements;
- State and general aviation entitlements; and
- Alaskan airport entitlements.

Discretionary.

Any money left over after the above entitlements are funded can be spent by the FAA at its own discretion. However, this discretionary funding is subject to three set-asides; noise, military airports and reliever airports. For noise set-aside, the law sets aside 35 percent of discretionary funds for noise projects. These projects could include such things as buying property for a noise buffer or soundproofing buildings. Under the military airport program (MAP), a total of 15 airports may participate in the program at any one time, including one general aviation airport. Airports may be selected or reselected to receive financial assistance for up to five years. Reliever airports are high-capacity GA airports intended to provide GA pilots with alternative airports to congest hub airports. These airports have a set-aside of two thirds of one percent of discretionary funding.[16]

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[13] FAA. "Overview: What is AIP?" https://www.faa.gov/airports/aip/overview/
[14] Bureau of Transportation Statistics. "Table 1-3: Number of U.S. Airports" http://www.rita.dot.gov/bts/sites/rita.dot.gov.bts/files/publications/national_transportation_statistics/html/table_01_03.html
[15] Id.
[16] Congressional Research Service. "Issues in the Reauthorization of the Federal Aviation Administration (FAA)."January 29, 2015.

Pure discretionary.

After the entitlements and set-asides are funded, the remaining money can be spent as the FAA sees fit. This is often referred to as pure discretionary AIP money. However, there are some restrictions on pure discretionary funds. The law requires that 75 percent of the available discretionary money in a fiscal year be spent on airport projects that will enhance capacity, safety, or security, or reduce noise.[17]

PASSENGER FACILITY CHARGE

In addition to AIP grants, airports are allowed to levy a passenger facility charge (PFC). PFCs are a local charge, with Federal approval, collected by the airlines and paid directly to the airport without going through the Federal Treasury. They are intended to supplement AIP by providing more money for runways, taxiways, terminals, gates, and other airport improvements.[18] Currently, no airport may charge a PFC of more than $4.50 per passenger and PFCs are capped at $18 for any travel itinerary. No airport can charge a PFC until FAA approves it.

FAA has approved PFCs at 389 airports, of which 360 are currently collecting charges. The total approved collections are over $90 billion. In calendar year (CY) 2013, $2.81 billion was collected and $2.87 billion is expected to be collected in CY 2015.

FACILITIES AND EQUIPMENT

FAA applies F&E funds to purchase and install radar, computers, navigation aids, and other equipment that air traffic controllers use to guide planes through the air safely and efficiently. F&E funds are also used to sustain existing facilities and equipment.

NextGen

Beginning in the early 1980s, the FAA started its effort to modernize the air traffic control system. While this effort has existed through a number of programs, in 2004 Congress first authorized the current iteration of the NextGen modernization effort. NextGen is a $40 billion program initially slated to be completed by 2025 to transition the Nation's airspace from a 1950s radar-based system to advanced-technology air-traffic management.[19] In 2003, NextGen was envisioned as a fundamental reengineering of our Nation's airspace to reduce congestion and delays, increase capacity, while further improving safety and reducing aviation's environmental footprint. NextGen currently comprises several major programs, including, En-Route Automation Modernization (ERAM), Data Communications (DataComm), Automatic

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[18] Congressional Research Service. "Issues in the Reauthorization of the Federal Aviation Administration (FAA)."January 29, 2015.

[19] Statement of Matthew E. Hampton, U.S. Department of Transportation Inspector General before the Committee on Commerce, Science, and Transportation, Subcommittee on Aviation Operations, Safety, and Security United States. "Progress and Challenges in Meeting Expectations for NextGen." June 25, 2014. Pg. 3

Dependent Surveillance-Broadcast (ADS-B), and Terminal Automation Modernization and Replacement (TAMR).[20] These programs, along with other NextGen programs, are intended to improve the efficiency of the Nation's airspace by permitting aircraft to avoid congestion-related delays, fly more direct routes, and ultimately fly more closely spaced together by virtue of improved air traffic control surveillance technology.

As with previous air traffic control modernization efforts, concerns have been raised regarding FAA's implementation of NextGen technology and procedures. In 2013, the Department of Transportation Inspector General (DOT IG) found that "longstanding programmatic and organization challenges.... further undermine NextGen's progress." In addition, the DOT IG stated that the FAA's NextGen plans were "overly ambitious" and that the FAA has "yet to develop an executable implementation plan that addresses costs and technology development and integration."[21] In September 2014, the Government Accountability Office (GAO) reported that, of the 76 industry and labor stakeholders interviewed about challenges associated with the ATC system, 71 characterized the system as "very" to "extremely" safe.[22] GAO also found, when interviewing stakeholders regarding FAA's capability in overall NextGen implementation, that three times as many stakeholders said implementation "was not going well" compared to those who did. [23]

Safety

The U.S. commercial aviation system has an impressive safety record. This safety record is the result of the hard work and dedication of all aviation stakeholders. The *FAA Modernization and Reform Act of 2012* contained a number of provisions to improve aviation safety, including provisions addressing aviation worker training, FAA facility staffing, and expeditious certification of new safety-enhancing technologies. Additionally, in 2010, Congress passed the *Airline Safety and Federal Aviation Administration Extension Act of 2010* (P.L. 111-216), which contained a number of provisions to address safety concerns raised in the wake of the accident of Colgan flight 3407 near Buffalo in 2009. The safety bill, among other things, directed the FAA to finalize regulations to reduce pilot fatigue and to improve airline pilot training and minimum qualifications. The FAA has implemented many of these provisions, but has yet to complete work on the bill's requirement for a centralized database of pilot records, among other things.

Unmanned Aircraft Systems.

In the past decade, interest in operating unmanned aircraft systems in the United States domestic airspace has increased. In the *FAA Modernization and Reform Act of 2012* (P.L. 112-95), Congress directed the FAA to take certain steps to facilitate the safe integration of unmanned aircraft systems (UAS) into the national airspace no later than September 30, 2015. This included a requirement for the FAA to develop a final rule for small UAS by August 2014; FAA issued a

[20] Federal Aviation Administration. "NextGen Implementation Plan," August 2014.
[21] Inspector General of the Department of Transportation. "Addressing Underlying Causes for NextGen Delays Will Require Sustained FAA Leadership and Action" AV-2014-031. February 25, 2014. Pg. 2.
[22] Gov't Accountability Office, *Air Traffic Control System: Selected Stakeholders' Perspectives on Operations, Modernization, and Structure*, Rpt. No. GAO-14-770, at 38 (2014).
[23] *Id.* at 39.

proposed small UAS rule on February 15, 2015.[24] The Act also directed the FAA to establish "a program to integrate unmanned aircraft systems into the national airspace system at 6 test ranges."[25] The test ranges were selected in December 2013; all six are now operational. In addition, FAA was instructed to develop a comprehensive plan to safely accelerate the integration of unmanned aircraft systems in the United States airspace. The FAA released this comprehensive plan on November 6, 2013.

Section 333 of the *FAA Modernization and Reform Act of 2012* grants the Secretary of Transportation the authority to determine whether certain UAS can operate in the National Airspace System under exemption from the general requirement for a certificate of waiver, certificate of authorization, or airworthiness certification because they present low risk to people and property in the air and on the ground. To date, FAA has received over 400 permit applications under section 333. Of those, just over 30 have been granted. In addition, FAA has issued 173 experimental certificates (original & recurrent) for UAS operations.

A June 2014, the DOT IG raised concerns with FAA's progress in implementing the UAS provisions in the *FAA Modernization and Reform Act of 2012*.[26] The DOT IG reported that the FAA "is behind schedule on most of the Act's UAS provisions, and the magnitude of unresolved safety and privacy issues will prevent FAA from meeting Congress' September 2015 deadline for UAS integration."[27] In addition the DOT IG noted that the FAA has not developed an "adequate framework for sharing and analyzing UAS safety data" and that the existence of "organizational barriers" is impeding the agency's progress toward the integration and oversight of UAS.[28] The DOT IG also indicated that while the FAA has begun to authorize certain UAS operations, the FAA "has not developed the procedures, training, and tools for controllers to effectively manage UAS in the same airspace as other aircraft.[29] Finally, the DOT IG reported that technological barriers remain with "detect and avoid" and "lost link capabilities" however research within several government agencies on these issues is ongoing.[30]

Certification and Regulatory Reform.

The FAA is responsible for issuing design and manufacturing approvals for aircraft, aircraft engines and propellers, as well as aircraft parts and appliances (aircraft and aircraft components). To ensure the safety of an aircraft and aircraft components, the FAA has developed a set of safety standards for aircraft and aircraft components. The Flight Standards Service sets the standards for certification and oversight of airmen, air operators, air agencies, and designees.[31] It conducts certifications, inspections, surveillance, investigations, enforcement actions, and manages the system for registration of civil aircraft and all airmen records. In

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[24] *FAA Modernization and Reform Act of 2012.* (P.L. 112-95) Section. 332. And. FAA . "Press Release: DOT and FAA Propose New Rules for Small Unmanned Aircraft Systems." February 15, 2015.
[25] *FAA Modernization and Reform Act of 2012.* (P.L. 112-95) Section. 332.
[26] Department of Transportation Inspector General. "FAA Faces Significant Barriers To Safely Integrate Unmanned Aircraft Systems Into the National Airspace System." June 26, 2014.
[27] Id.
[28] Id. at 11-12.
[29] Id. at 9.
[30] Id. at 6.
[31] http://www.faa.gov/about/office_org/headquarters_offices/avs/offices/afs/

response to stakeholder concerns related to certification delays and inconsistent regulatory interpretation of certification standards and processes, the *FAA Modernization and Reform Act of 2012* contained two provisions. The first provision, section 312, required the FAA to develop a plan to streamline certification processes. The second provision, section 313, directed the FAA to develop and implement a plan to address inconsistencies in regulatory interpretation in certification. In response to Aviation Rulemaking Committee recommendations, the FAA issued the first version of its implementation plan for section 312 in January 2013. The FAA has since released periodic updates of this plan. Section 313's implementation plan was released on January 20, 2015.

FAA Consolidation and Realignment of FAA Facilities

Many FAA air traffic control facilities are 30 to 50 years old.[32] The agency will realize cost savings from consolidating many of these facilities.[33] The *FAA Modernization and Reform Act of 2012* required the FAA to submit a report to Congress with recommendations on the realignment and consolidation of FAA services and facilities; this report has yet to be submitted to Congress.

WITNESS LIST

The Honorable Michael Huerta
Administrator
Federal Aviation Administration

[32] Statement of Bruce Johnson, Vice President of Terminal Services before the Committee on Transportation and Infrastructure, Subcommittee on Aviation, on FAA's Aging ATC Facilities: Investigating the Need to Improve Facilities and Worker Conditions, July 24, 2007.
[33] Statement of The Honorable Calvin L. Scovel III Inspector General U.S. Department of Transportation, before the Committee on Transportation and Infrastructure, Subcommittee on Aviation, on
Challenges in Meeting FAA's Long-Term Goals for the Next Generation Air Transportation System, page 5, April 21, 2010

FEDERAL AVIATION ADMINISTRATION REAUTHORIZATION: ENABLING A 21ST-CENTURY AVIATION SYSTEM

TUESDAY, MARCH 3, 2015

HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE ON AVIATION,
COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE,
Washington, DC.

The subcommittee met, pursuant to call, at 9:31 a.m., in Room 2167, Rayburn House Office Building, Hon. Frank A. LoBiondo (Chairman of the subcommittee) presiding.

Mr. LOBIONDO. Good morning. The committee will come to order. Thank you all for being here, particularly Administrator Huerta for being here. And the Colgan family members, thank you for being here.

On September 30th of this year the current Federal Aviation Administration reauthorization expires. This current authorization occurred after 5 years of short-term extensions and a partial shutdown, which resulted in tremendous instability and uncertainty for the agency, industry, stakeholders, and the flying public. Chairman Shuster and I have repeatedly talked about this and pledged to do our very best, along with Mr. DeFazio and Mr. Larsen, to see that this will not happen again.

As we draft the new authorization, there are several key areas that must be addressed. Technological advances since the last bill are at the heart of two key areas of focus, the move towards GPS-based air traffic control under NextGen and the growth of commercial interest in unmanned aerial systems. These technologies hold enormous potential that could improve the efficiency and safety of our airspace system while unlocking billions of dollars in economic activity for the country.

As Administrator Huerta will concur, NextGen utilizes many technologies that would not only increase capacity, but also improve the safety of our airspace. Many of these technologies were researched, developed, and tested at the FAA Technical Center, the premier research and development facility for the FAA, which is in my district.

While progress has been made on establishing NextGen foundational programs, it is clear that the FAA has a great deal of work to do before passengers and operators begin to realize more significant benefits. For the past year, we have received an extensive amount of input from stakeholders regarding the slow place of FAA implementation of NextGen, as well as the agency's inefficient

and overly burdensome certification processes, which we think is impacting in a negative way on the economics of the country.

Many of these problems have been identified in several oversight hearings conducted by this subcommittee, as well as by the DOT inspector general and Government Accountability Office. In addition, we have raised them directly with Secretary Foxx and Administrator Huerta, and I would again convey that Congress as a whole is closely monitoring the FAA's progress on NextGen and the subcommittee will continue its vigorous oversight in light of recent reports from the DOT inspector general on cost overruns and delays.

Furthermore, after months of delay, the FAA finally released its proposed rule on the integration of small unmanned aerial systems, or UAS, into the national airspace, but the estimate timeline of 2017 for finalization of the rule I think just seems too long. Other countries are moving ahead more quickly than us as we speak, and the American leadership simply cannot be taken for granted and/or allowed to slip.

I urge the FAA to act both quickly and carefully to ensure the United States leads the world in safe UAS integration. Having the resources of the FAA Technical Center and the six UAS test sites at its disposal, I believe the agency can achieve this important goal, and Mr. Larsen and I stand with the committee ready to work with Administrator Huerta, with you on this and on other issues.

As we move forward with the FAA Reauthorization Act, we must ensure that our efforts to address these longstanding problems do not adversely impact safety, which has and will continue to be a top priority of the committee. On that note, I would like to hear from the Administrator on the FAA's efforts to implement one of the last outstanding requirements of the Airline Safety Act of 2010, the establishment of a pilot records database.

On a final note, we are now well in the 21st century. However, many of our systems and regulatory platforms are for a 20th-century world. Now it is time for Congress, stakeholders, and the community to work together to do something big to ensure that our leadership in aviation is maintained.

Before I recognize my colleague Mr. Larsen for his comments, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and include extraneous material for the record of this hearing. Without objection, so ordered.

And now I would like to yield to Mr. Larsen for any opening remarks.

Mr. LARSEN. Thank you, Mr. Chairman. I have an opening statement that I will just summarize given the interest of time and the interest of the Members here today at the hearing. I want to just emphasize a few things in my opening statement.

First off is safety, that as we do the FAA reauthorization, safety must be first thing on our mind.

Second is investment. We need to find a way to work with FAA to ensure stable and adequate funding to mitigate impacts of sequestration and other constraints on the agency.

Third is NextGen. Although there have been problems with implementation, with your leadership, Mr. Chairman, and working with the RTCA and NextGen Advisory Committee we have been

able to ensure a development of four key recommendations. That funding has been in the 2015 budget for those recommendations and we need to start looking at what the next steps are for NextGen reauthorization.

Fourth is certification. As you mentioned, the consistent regulatory environment for consistent certification approvals for components and platforms is critical.

And finally, the integration of UAS in the commercial airspace.

These are some of the issues that I know we will be dealing with. But with that, I would ask unanimous consent for my full statement to be put in the record.

Mr. LOBIONDO. Thank you, Mr. Larsen.

Mr. LARSEN. With that, I yield back.

Mr. LOBIONDO. Chairman Shuster.

Mr. SHUSTER. Thank you. Thanks, Mr. LoBiondo, for holding this hearing.

And, Administrator Huerta, thank you for being here today.

I will be brief also because I know the Members have questions and we have shortened time here today. But I appreciate you being here today, and I think my two colleagues have laid out all the issues that we all want to solve. I hope that we can continue to be talking and start maybe a more intense debate about how we do significant reform, you and I have had these conversations, where we look around the world today and the air traffic control organizations literally across the world are being pulled out of Government and functioning more as a business. And they are maintaining safety. They are run more effectively, efficiently. They are limiting the political process.

We have seen the 23 extensions, the sequestration, the Government shutdown, the political infighting that goes on. When you take it out of Government then they can operate and make decisions. They can make those investments long term without Congress as part of the problem.

So, again, I look forward to having the discussions. And I will ask my question right now. So maybe somewhere in the process are you open to talking about serious, significant reform to the FAA to move the organization more to what the rest of the world is doing? So I look forward to hearing your testimony and questions today. So thanks for being here.

I yield back.

Mr. LOBIONDO. Thank you, Chairman Shuster.

Mr. DeFazio.

Mr. DEFAZIO. Thank you, Mr. Chairman.

Mr. Chairman, I have put my remarks regarding the reauthorization in the record. I share many of the concerns and objectives that have been raised. But I want to raise something else because I am quite concerned.

GAO released a report yesterday—I was one of the corequesters of that report—which pointed out significant problems with the FAA in terms of cybersecurity. And I don't think I have ever seen a GAO report before that had 168 corrective actions and 17 general recommendations. And I have got to say that I am very, very concerned. To me, it is a nightmare scenario. I spent a number of years on the Committee on Homeland Security. We know there is

an enduring interest in terrorist groups in aviation. They have used our aviation system as weapons. One can imagine they might be interested in hacking the system and perhaps could facilitate a midair collision.

So I am very, very gravely concerned about this, and I hope that the Administrator can briefly address what he intends to do and how quickly we can move to secure the system. Thank you.

Mr. LOBIONDO. Thank you, Mr. DeFazio.

Today we are very pleased to welcome the Honorable Michael Huerta, Administrator of the Federal Aviation Administration.

Thank you for being here. We look forward to your testimony.

TESTIMONY OF HON. MICHAEL P. HUERTA, ADMINISTRATOR, FEDERAL AVIATION ADMINISTRATION

Mr. HUERTA. Thank you. Chairman Shuster, Ranking Member DeFazio, Chairman LoBiondo, Ranking Member Larsen, members of the subcommittee, thank you for inviting me to appear before you today to speak about reauthorization of the FAA.

It seems like not that long ago we were united behind the FAA reauthorization of 2012 with a sense of urgency to provide long-term funding to support our Nation's aviation system, and now we are here to continue that work. We have a joint responsibility, Government and industry, to pull together to create the air traffic system that will carry this Nation well into the 21st century.

In the last 5 years, the FAA has made major progress in transforming our airspace system through NextGen, and that progression continues as we speak. The FAA has delivered on its commitment to build the foundation that will support the many applications of NextGen. In 2014, we completed the coast-to-coast installation of a network of radio transceivers that will enable a satellite-based air traffic control system that provides a more precise and efficient alternative to radar.

With this foundation now in place, we are working with the airline industry and the general aviation community to help them to do their part to meet the requirement to equip by the 2020 deadline. By the end of this month we will finish the upgrade of our en route air traffic control automation system. This system will accommodate the new technologies of NextGen. This is one of the largest automation changeovers in the history of the FAA, and it results in a more powerful air traffic system that can handle the challenges of the coming decades.

Through our collaboration with industry, last year we identified and agreed on key priorities in implementing NextGen and we have been following through. We now have more satellite-based procedures in our skies than radar-based procedures. We have created new NextGen routes in cities across America that are saving millions of dollars in fuel burn, shortening flight paths, decreasing carbon emissions, and cutting down on delays. All of this means that airline schedules are more predictable and travelers face fewer delays.

The United States stands as a leader in aviation internationally and we intend to remain the gold standard. Our manufacturers produce innovative aircraft and avionics that help maintain our Nation's positive balance of trade. We are truly unique in that we

have the most diverse aviation community, which includes new users like unmanned aircraft and commercial space vehicles. Civil aviation contributes 12 million jobs and $1.5 trillion to our national economy.

America's leadership in aviation is being challenged on a global level, however, with the growth of foreign competitors and the shifting dynamics of supply chains. Domestically, the FAA faces challenges I think we can all acknowledge. We have competing priorities among our stakeholders, one of the byproducts of a healthy and diverse system, and we have had to navigate a constrained fiscal environment in recent years with nearly two dozen short-term extensions prior to the 2012 reauthorization.

The FAA needs to prioritize its resources to leverage new technology and to respond nimbly to evolving challenges. To maintain our global leadership and to continue to reap the economic benefits of this industry we should use the upcoming reauthorization to provide the FAA with the tools necessary to meet the pressing demands of the future. A lot is at stake, and we need to get this right.

To that end, the Administration has developed a set of principles that we believe will improve our Nation's airspace system and set the course for future progress. First, we need to maintain our excellent safety record and foster the use of data and the use of analysis to focus our precious resources on the areas of highest risk in our aviation system. We must continue the modernization of our air traffic control system. Part of that effort is to ensure stable funding for core operations and NextGen investments, and collaboration with industry is absolutely essential. We need to deliver benefits and the industry needs to equip to use these improvements.

FAA reauthorization should secure appropriate funding for our Nation's airports. It should also enable the integration of new users into our airspace system and support the agency in fostering a culture of innovation and efficiency.

The FAA also needs to realign today's airspace system with current demands. We need the flexibility to make investment choices that further the health of our airspace system so that everyone can benefit.

Finally, we need to maintain our position of aviation leadership on the world stage. This means the FAA needs to remain at the table to shape and harmonize international aviation standards and promote seamless travel around the world.

We are extremely proud of America's aviation heritage and the innovation and inspiration that our strong and diverse system has always provided. I look forward to working together to make sure that the United States continues to lead the world as we create the right conditions for further innovation and achievement in the second century of flight.

Thank you, Mr. Chairman.

Mr. LOBIONDO. Thank you, Mr. Huerta.

On the topic of NextGen, we have spent a lot of time, and I know there are tangible and now some measurable results, but there is still, in the minds of many Members and certainly for a lot of the stakeholders, a serious disconnect between what the Government auditors are saying and what the FAA is saying.

And I am hoping you can shed some light and explain why there is such a disconnect where we have the FAA stating that NextGen is on time and delivering the benefits expected and Government auditors, which we heard from as recently as last week, talking about little benefits and slow implementation.

And we are not talking about from 10 years ago. We are talking about this report we got last week was, like, in the last couple of years. Could you help us understand this?

Mr. HUERTA. Certainly. Thank you, Mr. Chairman.

NextGen is a very complex undertaking and it requires the deployment of core foundational technology upon which we build applications that the users are able to take advantage of. Both of those activities need to continue in tandem.

The agency has been very focused on delivering the core infrastructure programs, such as the ADS–B program that I referenced in my opening statement, as well as the en route automation platform. The ADS–B program was delivered on time and on budget. The ERAM program was delayed, but we are coming to the conclusion of that. These programs create an important foundation.

At the same time, however, the FAA has taken the step to work with the stakeholders, the airline industry and the general aviation community, to deliver specific benefits and to deliver them now. The focus of that has been on performance-based navigation where we have developed a number of programs in metropolitan areas to redesign airspace to result in very efficient flight paths that reduce fuel burn and therefore reduce cost to the industry.

Last year there were two very significant developments with the redesign of the airspace around Houston, where we deployed 61 new air traffic procedures in a single day, followed by north Texas, where we delivered 81 new efficient procedures in a single day.

We have also done airspace redesign projects here in Washington, DC, and in northern California and in Seattle, and other metropolitan areas are following. These metropolitan-focused benefit programs yield very, very significant fuel savings.

Longer term, with the foundational infrastructure in place, we can focus on the national benefit programs, programs such as DataComm that we have been doing trials on and which we expect to complete in 2019.

It is true that it is a project that has taken many years, but we are delivering benefits for users and we are delivering them now, and that pace will continue in the years ahead.

Mr. LOBIONDO. On the issue of safe integration of unmanned aircraft systems, of course it is of great interest to many people across the country, as you know. How does the FAA plan to utilize the test sites while it works through the small UAS rulemaking?

Mr. HUERTA. The test sites play a critical role in serving as the focal point for data and analysis and research in the areas of unmanned aircraft systems. As a result of research that is taking place at the FAA's Tech Center in Atlantic City, a lot of good research is being done on critical technologies that are essential for safe integration of unmanned aircraft. These include technologies such as detect and avoid, how do these aircraft sense other aircraft, which is critical to ensuring that they can be safely integrated. Likewise, it serves as the repository to share research data among

the six test sites so that the research done at one test site can be broadly understood and can be used to eliminate research in all the other test sites. The Tech Center plays a critical role.

Mr. LOBIONDO. Thank you.

Mr. Larsen.

Mr. LARSEN. Thank you, Mr. Chairman.

So, Administrator Huerta, you outline in your testimony, your oral testimony and written, some of the advances you have made in NextGen implementation. So I have two questions on that. Despite that outline, there are still concerns not just from the industry, the airlines, but from other folks that nothing is being done or we are still way behind, all sorts of criticisms along those lines. Can you briefly address that?

Mr. HUERTA. The key developments that we have been able to make with NextGen have really brought the system a long way in realizing those benefits. I understand the skepticism that the industry and others in the system have had over many years, but I would encourage everyone to look at the very significant progress we have made in the last 5 years, as we have built out the foundational technologies and as we have been very, very focused on delivery of benefits.

Under the direction and with the support of this committee, we have engaged actively with industry. The key part of doing that was to ensure that what we were focused on was delivering the priorities that industry want. As you know, we reached agreement with industry on four key areas of priority that they want us to focus on in the near term for the delivery of benefits. That was done through a collaborative process. We reached agreement on those priorities and we are tracking to the milestones that were set forth in those priorities.

They include a significant increase of and focus on performance-based navigation, which we are doing through our Metroplex program. They want us to focus on surface operations, which we are very, very committed to. We also have a significant focus on DataComm. Right now the program is running in trials in two airports and will be deploying in two more in the months ahead.

So by working in collaboration with industry we have identified their priorities. We are very focused on continuing to deliver in those areas.

Mr. LARSEN. OK. And the chairman and I sort of feel like ex officio members of the NAC at times when it comes to NextGen.

So I know on UAS there is a significant backlog of section 333 exemption requests. What can we do to help make this process more streamlined? I know we have talked about approaching it from a programmatic approach rather than a one-off exemption approach without compromising safety. Can you provide an opinion of this programmatic approach that some of us have talked about?

Mr. HUERTA. Absolutely. Under section 333 of the reauthorization of 2012, Congress granted us the authority to grant exemptions to integrate particular users of unmanned aircraft into the National Airspace System, and that has proven to be a very popular tool. We have a very large number of applications that have been received from industry.

Mr. LARSEN. About 450 or so?

Mr. HUERTA. Yes. The challenge that we have is that exemptions are granted to an individual or a company for a specific purpose. The agency has very limited ability to grant blanket exemptions to whole classes of users. So what that means is that we have to evaluate each application on its own individual merits and the specifics of what they want.

Mr. LARSEN. Would the agency argue that that is the language that section 333 says it has to do?

Mr. HUERTA. It has to do with the nature of an exemption. What section 333 authorized was the ability to grant an exemption. An exemption is to an individual for a specific purpose, and so it is the relationship of the two things. Anything that we can do that would enable us to look at classes of operators that have substantially identical facts or very similar characteristics I think could be quite helpful.

Nonetheless, in the near term we are looking at what we can do to continue to streamline the process of granting the exemptions as we are currently doing them.

Mr. LARSEN. All right. That is fine.

I will yield back, Mr. Chairman.

Mr. LOBIONDO. Chairman Shuster.

Mr. SHUSTER. Thank you.

Again, welcome, Mr. Huerta.

Mr. HUERTA. Thank you.

Mr. SHUSTER. I laid out for you in my opening statement the problems we have seen with the sequestration, the 23 extensions, the problem with the DOT inspectors, the GAO report that Mr. DeFazio pointed out. And, again, my question is about, is the time ripe for us to be engaged in a debate to do significant reform?

One of the things I learned in the last week or so was that Verizon, which does a lot of the same kind of things as you, manage data signals, moving things around, they have replaced their system four times in the last 10 years. They would still be in the 1G program instead of the 4G program. They have been able to do that, four times replacement in 10 years, and we have been talking about NextGen for 25 years.

Blame the Congress too because of the way we have operated, 23 extensions, Government shutdowns. Those things aren't helpful either. But I think it is time for us to, again, look around the world and see that they have taken and moved the air traffic control organization out of Government. Let the FAA do what they are supposed to do, and that is regulate, make sure we get more certainty in the certification program.

So, again, my question to you, is the time right for us to really be sitting down and talking about a significant restructuring with governance and the financing system of the FAA?

Mr. HUERTA. Mr. Chairman, there are three things that I think any structure needs to yield for the FAA as a whole. The first and most important we can agree on is that we have to maintain the safety of the system. The second is that we have to have an expeditious and orderly way to deploy technology and to make it operational. And the third is to recognize the tight relationship that exists between developing new operational procedures and certifying them for safe use within the system.

The Secretary and I are both very open to a discussion on structures that would enable us to achieve that, but I would stress that what we have to ensure is that there are not unintended consequences that could actually set back the significant progress that we are making.

The other point that I would like to make is that the technology systems that the FAA is responsible for are fundamentally different in many ways from telecommunications and other technology systems in this respect: Their principal purpose is to ensure that a system is safe. What that means is it imposes, and I think correctly, a very high threshold on the performance of those systems, as well as mitigations and backups, to ensure that they don't in any way compromise safety.

Clearly, we are all focused on how we can do that as efficiently as possible, and we are open to a discussion about how best to do that.

Mr. SHUSTER. All right. And I agree with you wholeheartedly. It has got to be safety, safety, safety. And you also have industry. Boeing wants their planes to fly forever. And so they are fixated on safety, which they should be. But would you agree that there are examples around the world that are doing things very differently than we are and they still maintain that high level of safety in their operations?

Mr. HUERTA. There are examples around the world of very different models, but it is also important to recognize that we have a significantly different aviation system than any other part of the world.

Mr. SHUSTER. Just in size alone, is that the——

Mr. HUERTA. In size alone, but also in composition and mix. There is no one that has the robust and highly diverse general aviation industry that we have. There is no one that has the mix of metropolitan and rural areas that we have and the mix of airspace and the challenges associated with management that go with that. There is no one that has the diversity of users that we have, particularly the new ones, such as the development of commercial space and the development of unmanned aircraft systems.

What we have to come up with is an operational model that works for the United States, not for other countries. I think that what will come out of that, recognizing the uniquely American set of circumstances that we have, is to come up with uniquely American solutions to address them.

Mr. SHUSTER. And I agree with that. Making those points drives me to believe that NextGen, the technology is absolutely essential and we have been talking about it and talking about it. And finally the time comes we have to do it, and that is why I believe so firmly that we have got to do something different. Again, not only because of things not going right at FAA, but because of Congress' starts and stops when it comes to funding and things that we do up here.

So, again, I appreciate your openness to talk about this and to debate this and look forward to working with you.

Yield back.

Mr. LOBIONDO. Thank you, Mr. Chairman.

Mr. DeFazio.

Mr. DEFAZIO. Thank you, Mr. Chairman.

Mr. Administrator, I directed a question at the beginning, there are concerns about the GAO report. Do you want to tell me your reaction, what you are going to do, how quickly you can deal with this?

Mr. HUERTA. Sure. Thank you, Mr. DeFazio.

First and foremost, the system is safe. GAO acknowledged in their report that the agency has made significant progress in identifying the issues that they talked about, and of the many recommendations, many have already been mitigated, and we are working closely with them to continue to focus on outstanding concerns.

I am very actively focused on the recommendations. As I mentioned, we have remediated a very significant number of the technical findings already. We established a Cybersecurity Steering Committee a number of years ago. This was part of an initiative to give greater focus to the whole question of cyber. I have asked them to provide oversight on behalf of the agency on a risk-based approach as we address each of these recommendations. They are not all equal.

We have been proactive in identifying other potential actions to enhance the cybersecurity posture of our National Airspace System, as well as the agency as a whole, and we have been working with our other Government partners, those that, like us, have technology-based organizations to ensure that we are using best practices. It is something that I am very committed to and very concerned about, and we are remediating this as quickly as we can.

Mr. DEFAZIO. You are moving or intending to move a lot to the cloud. Doesn't that raise concerns?

Mr. HUERTA. It raises an important question. As we have transitioned our National Airspace System from what has largely been a closed system to an IP-based system where we are buying services from the private sector, what it means is not so much that we are opening up a problem that we haven't had, but it means that we have to ensure that we are using private sector best practices to ensure that we have the appropriate cyber controls in place.

Mr. DEFAZIO. OK. Well, I haven't had a chance to read the 168 SSI recommendations, but I have got to say I am going to be looking for some very specific assurances when I find some critical deficiencies, because a hack of the air traffic control system could lead to catastrophic consequences, in my opinion.

Quickly on a couple of other issues. I started maybe 15 years ago raising concerns about foreign repair stations with more and more work moving there. I have concerns that these people don't undergo background checks, but also at least minimally drug and alcohol testing. We have been working on a rule for I don't know how long. Where are we at?

Mr. HUERTA. We did publish an advanced notice of proposed rulemaking on drug testing in foreign repair stations. We received a number of comments. We are evaluating those now and we want to get the notice out in the near future.

Mr. DEFAZIO. It has been about, I think, a decade.

Then how about the centralized database for pilot records? Where are we on that?

Mr. HUERTA. We have done a fair amount of work on a centralized database. One of the things that we wanted to see is what we could learn from other industries that focus on centralized records from a wide variety of different technology sources.

This one is technically very difficult for us to work through and to do it in a way that we can ensure that it meets the appropriate cost-benefit hurdles that it needs to meet. But it is something that is within the agency, and I am hopeful that we are going to have a resolution of it in the not too distant future.

Mr. DEFAZIO. OK. And then we have had a lot of talk about certification. I am concerned about whether or not you are able to have adequate oversight with the proliferation of the ODAs out there? I mean, are you concerned about those staffing levels? Are you looking at augmenting those staffing levels? My understanding is these inspectors are carrying massive workloads and they are going to get around, like, once every 3 years maybe to look at something.

Mr. HUERTA. The challenge is to come up with the appropriate balance of how do we use data to determine the highest areas of risk and to focus our efforts on those areas. Even if the FAA had all of the resources in the world, aviation by its very nature is all about innovative technology, and we have to ensure that we get the expertise from the people that have it. Sometimes that will be from the industry, and the designation process is intended to find that right balance between what the agency retains and what we rely on industry to do on our behalf.

Mr. DEFAZIO. So do you think it is optimal at this point then?

Mr. HUERTA. I don't think it is optimal because I think the industry is always evolving. I know that we have to be more nimble in how we do our part of it. Likewise, we have to have appropriate tools that enable us to audit industry acting on our behalf to ensure that there are not problems in the system.

Mr. DEFAZIO. OK, thank you.

Thank you, Mr. Chairman.

Mr. LOBIONDO. Thank you, Mr. DeFazio.

Mr. Duncan.

Mr. DUNCAN. Thank you, Mr. Chairman, and thank you for expressing our continuing concern about the cost overruns on the NextGen contracts and so forth.

But, Mr. Administrator, I have two other concerns. First of all, there is great interest in and even great concern about unmanned aircraft, drones, and the DOT inspector general several months ago issued a report about the FAA being behind schedule and there being what they called a magnitude of safety and privacy concerns about drones. We are reading that Amazon and a lot of other big companies want to do potentially millions of deliveries by drones. People are wondering about are they going to walk through their neighborhood and have to dodge these vehicles, and privacy concerns, and so forth.

Where do you see all of that heading and are we going to be able to put limitations or control on some of these unmanned vehicles?

Mr. HUERTA. Mr. Duncan, I think you have very well summarized the three competing things that need to be balanced as we integrate unmanned aircraft. On the one hand, there are the

innovators that want to take advantage of the technology to do as much as they can. On the other hand, the public has expressed concerns about how they are safely integrated. There are also concerns that have been expressed about ensuring that individuals' rights to privacy are protected.

The FAA is extremely concerned and very focused on how we balance the first two of these. How can we provide for integration, but how do we ensure that it is done safely? The small UAS rule that we put out earlier this year strikes a balance between dividing the industry into different classes of unmanned aircraft; very small, where there might be less risk, and then larger, where we would suggest that there would be different requirements that should be created for them.

We have proposed to create a different class of operator, not a pilot's license but an unmanned aircraft operator, and for certain classes we have proposed that they be exempt from the certification requirement. But they still need to meet appropriate standards of safety.

On the same day that we announced our rule, the White House put out a policy related to privacy, and I think that reflects the larger concern that we as a Government need to be concerned about, and that is how do we ensure the appropriate levels of protection for personal privacy.

The Government's policy deals with the Government's own use of unmanned aircraft, but the President also tasked the Commerce Department through the NTIA to really take the lead in looking at these larger questions of privacy and how do we ensure that individuals' privacy is protected.

We are going to need to balance all of these things as we integrate unmanned aircraft into the airspace system and as we do it safely.

Mr. DUNCAN. Well, thank you. There are other aspects to that, but I don't have time to get into all that. I do want to raise my other topic that I have always had so much concern about. In the late 1990s, Atlanta Airport testified before us that their main, longest runway took 14 years from conception to completion. It took only 99 construction days.

And in every aspect or every part of the work that this committee does, highway projects, the rail bill that we will have in there today, we have tried to put in environmental streamlining. Sometimes over the years it seems that we have been more successful at lip service than we have about actual action and speeding things up. And we seem to take about three times as long as other developed nations on almost all these other major transportation projects.

Are you satisfied that we are doing everything that needs to be done, speeding up project delivery times and an environmental streamlining, so we can get these things done in cost-effective ways?

Mr. HUERTA. The Congress gave us some important tools in our last authorization in 2012. Those are dealing with the environmental process as it relates to airspace redesign, which is critical for us to deliver performance-based navigation and NextGen. There were two categorical exclusions where Congress directed us that,

under certain criteria, we could make a finding of a categorical exclusion, which greatly accelerates the environmental process.

The first one we adopted as policy. The second one we worked with the NextGen Advisory Committee to come up with a way forward of how to implement it. So this is something that we are very focused on.

I will say that in your home airport in Atlanta, one of the things that we have been focused on in the airspace redesign is how we can get more capacity out of the runways that they have already built. As a result of that activity we have been able to get a significant increase in both the arrival and departure capacity as a result of doing airspace changes and relying on this streamlined process that we are talking about.

Mr. DUNCAN. Thank you, Mr. Chairman.

Mr. LOBIONDO. Thank you.

Mr. Lipinski.

Mr. LIPINSKI. Thank you, Mr. Chairman.

A few questions that I have. First, I will start out with this one. Lewis University Airport is located in Will County, which is an important part of my district, one of the fastest growing regions in northeastern Illinois. Lewis University Airport submitted a list of capital needs to the Illinois Department of Transportation, which administers the FAA State Block Grant Program.

A few of the priorities include land acquisition for runway safety, a runway rehabilitation project, and most importantly, a control tower, which is critical to support the airport's role as a generator of regional economic growth, an important reliever airport for Midway and O'Hare International Airports, and also a training school.

I appreciate the meeting that we are going to have next month to discuss these important needs. I look forward to that meeting and discussing what potential ways there are for the FAA to fund these projects, but especially the control towers.

That leads me to a more general question. I am wondering if you can provide any updates on the remote tower initiative that is ongoing?

Mr. HUERTA. Thank you. The FAA has started a program and is conducting research on what technology enables us to do in terms of using a remote tower capability. Essentially, it is a combination of sensors, cameras, and other technology that creates, if you will, a virtual tower. The controllers that are actually removed from the facility in question have the ability to operate it as if it is a tower that is located on the field. This is technology that has been deployed in some very remote regions of the far northern parts of Europe, and we have been focused on working with that technology.

We do have a program that we are doing in conjunction with the Commonwealth of Virginia to actually test this here at Leesburg Airport. This is a project that we are working cooperatively with our labor partners, as well as the airport, in order to test this technology and understand how it works, not only for Leesburg, but how it works in conjunction with the congested airspace surrounding the Washington airports.

The interaction between what we are doing at this particular airport I think will be very useful. If the results are promising, this is something that I want to move out on very aggressively because

it holds great potential to address the needs that you are discussing.

Mr. LIPINSKI. Any sense of when you may have the results that you are confident in?

Mr. HUERTA. It depends on where this takes us. The program is really just getting started at Leesburg right now. We have to develop some data in terms of how it operates in different kinds of weather and different traffic conditions. We can provide detailed information on that to your office on a regular basis so that we can give you a sense of what we are learning from that.

Mr. LIPINSKI. Thank you.

Lewis University is one of the 36 Air Traffic Collegiate Training Initiative schools, and students from my district and across the Nation chose to attend Lewis because of the advantages that CTI schools provide. We all know that the hiring process was changed just over a year ago and this really hurts the students who decide at a young age to enroll in a program fostered by the FAA. I understand that a graduate of a CTI school is never guaranteed a job, but they did have an advantage in the hiring process that they gained in exchange for working hard in school while paying tuition.

I think the unique nature of these degrees is also worth noting. While a CTI graduate with a specialized degree can always pursue a different career path, the window to become an air traffic controller closes shut at age 31 and there is no going back.

I am wondering, I would like to know what the FAA is planning to do this year to build off the language of H.R. 83 to help students who enrolled or graduated after the hiring changes. I understand the purposes of the hiring changes, but I am concerned about the students who have put all of the time and effort and money into the CTI programs.

Mr. HUERTA. Sure. We are implementing the provisions of the piece of legislation that you mentioned in this year's hiring program, and we have identified all the individuals that are affected by those provisions going forward.

I would like to step back and talk about the broader points that you make about the benefit of the education program, as well as the point about there being no guarantee. This is a highly competitive job. We received 28,000 applicants for 1,600 positions, so under any scenario there will be a lot of people that would like the job that don't get it.

But of those that we selected, two-thirds were CTI graduates, which I think indicates the value of the CTI education and how it positions people to compete for this highly competitive profession.

Mr. LIPINSKI. Thank you. My time I yield back.

Mr. LOBIONDO. Thank you.

Mr. Rokita.

Mr. ROKITA. I thank the Chair.

And, good morning, Administrator. Good to be with you. And could you keep your microphone really close to your mouth? Maybe that would help.

Mr. HUERTA. OK. Sorry about that.

Mr. ROKITA. Yeah. Thank you very much.

Listening to your testimony and some phrases have popped out. Let me reiterate them, and I apologize for the paraphrase. Feel free

to push back if I am unfair in the paraphrasing. But you have testified so far that we need to keep our leadership position in aviation on the world stage. You said no one else in the world has a GA industry as robust as ours. That is fair. And then you said we need to come up with uniquely American solutions because we have an airspace system and a population of different stakeholders and users that is unique. Fair?

Mr. HUERTA. Fair.

Mr. ROKITA. I agree with all that as well. My question is, it is clear to me you are not a short order cook. OK? It is clear to me the agency is not a short order cook, nor should we be when it comes to promulgating regulations. I believe in the old adage measure twice, cut once. But how long do you think it should take to come up with these uniquely American solutions in terms of promulgating regulations?

Take the General Aviation Pilot Protection Act, the legislation that would repeal the third-class medical requirement, generally. We have talked about that. You have written rules, apparently, but we haven't seen them. You said I would like the rules, and perhaps 180 of us as cosponsors would like the rules, perhaps love the rules. Maybe I will use the word love. Maybe you said like. I am waiting to like. I am waiting to love.

Are you satisfied with how long it is taking for either these rules or how long it took for the UAS rules to come out or the fact that the part 23 rewrite has gone way beyond the time?

And I am not trying to give you a gotcha question. Just as a fellow leader, and as a person who used to run a big agency himself, how do you keep the accountability train moving? How do you measure metrics? How did you measure progress in these situations?

Mr. HUERTA. The regulatory process, as you know, is quite deliberate. It can be quite frustrating. It is intended to balance and to deliberate over many competing objectives that are out there.

On the point of the third-class medical, you are correct, the agency has done a lot of work in this area, and we have been in a discussion with our administration partners on what is the best way to proceed going forward and how we could proceed on this and make it available for comment.

I think that the process certainly takes longer than I would like. It is something that I understand, though, because there are many competing points of view and in the other regulatory——

Mr. ROKITA. These haven't even gotten out to the public. It is not just about GAPPA. It is about the part 22 rewrite.

Mr. HUERTA. I understand.

Mr. ROKITA. It is about the UAS that just hit the street, those regulations. I mean, yes or no, satisfied?

Mr. HUERTA. I think that I would like to see a quicker process, but I understand that there are a lot of competing interests that need to be resolved.

Mr. ROKITA. Thank you. In that same vein, when do you anticipate implementing the Aviation Rulemaking Committee recommendations for sections 312 and 313 of the last reauthorization that had to do with the aircraft certification and the streamlining competing regulations?

Mr. HUERTA. Section 312, we submitted the report to Congress in 2012, as you know. We have completed, I believe, 10 of the 14 recommendations or activities that we put forward with respect to that and we are focused very much on the others.

Mr. ROKITA. Any timeline?

Mr. HUERTA. I will have to get back with a specific timeline on that.

Mr. ROKITA. When can you get back to me?

Mr. HUERTA. We can get back to you soon.

Mr. ROKITA. Next week, 2 weeks?

Mr. HUERTA. Next week. Next week. We will get back with you next week with a report.

Mr. ROKITA. Thanks, Administrator.

Next question that I had, regarding AIPs and PFCs, do you have any comments, does the agency have any comment on what the cap should be and is it time to raise the passenger facility charge, or is it time to tweak the measurements or the formula or the priorities that we issue AIP moneys, especially in the pure discretionary area?

Mr. HUERTA. The Administration set forward its proposal in the President's budget, which would raise the PFC from the current cap of $4.50 to $8 for large airports and at the same time remove the large airports from the entitlement formula program. The thought here is that the large airports have the ability to generate significant revenues based on their own activities, but at the same time to preserve the basic access requirements for smaller communities and smaller airports.

Mr. ROKITA. I yield back. Thank you.

Mr. LOBIONDO. Thank you.

A couple of notes for the good of the order. There has been a request because of the time crunch, and we covered this at the beginning, but just to make it clear, any Members who have questions that there will not be time for, we will submit for the record.

And, Mr. Huerta, I am sure your team will help get back to us.

Mr. HUERTA. Absolutely.

Mr. LOBIONDO. And then I would like to ask unanimous consent, in light of the hard stop at 10:40, very hard stop at 10:40, in consultation with Mr. Larsen and Mr. DeFazio and Mr. Shuster, that we go to a hard 3-minute questioning.

Mr. Larsen, would you like to comment?

Mr. LARSEN. You had talked to us about it, Mr. Chairman, and I know it is going to be difficult for Members with that, but with the hard stop facing us, we accept that.

Mr. LOBIONDO. OK. So without objection, so ordered.

Mr. Carson, you are recognized for 3 minutes.

Mr. CARSON. Thank you, Chairman.

Administrator Huerta, thank you, sir.

Indiana airport directors who are here today briefed our delegation this morning about their consensus regarding the need for Congress to raise the cap on passenger facility charges. Now, they are being as creative as they possibly can be to finance the critical infrastructure, as you know, sir, the projects needed across the great Hoosier State. But it is not enough. I think we all know that.

First, sir, do you think it is possible, or even realistic for that matter, for local airports to make the infrastructure improvements they need without raising PFCs? And secondly, if you agree that the PFCs need to be raised, how should that be done? What does that look like in real terms? And what are your thoughts about any recommendations?

Mr. HUERTA. Well, our proposal clearly would indicate that we do think it is an appropriate time to raise the PFC for the larger airports, in particular. The proposal to take it from $4.50 to $8 essentially has the effect of adjusting it for inflation from when the last time that the PFC was set.

I think that it is important that those airports that have the ability to derive revenues locally do have all of the tools at their disposal, and the PFC is a very, very important tool in that toolbox to enable them to meet their needs.

Mr. CARSON. Thank you, Mr. Chairman. I yield back.

Mr. LOBIONDO. Thank you, Mr. Carson.

Mr. Hanna for 3 minutes.

Mr. HANNA. Thank you.

There is a theme here today that the FAA is fundamentally behind in everything, right? So the question I have for you is, along with Mr. Rokita's comments, we are seeing U.S. companies going overseas to test UAVs. So the question I have is, how can Congress in this next authorization help you deal with that, and what can we do from here to help you be more efficient and perhaps lure these companies or keep these companies from moving overseas?

Mr. HUERTA. I could give you a couple of suggestions with respect to that. The first is, as we work through the——

Mr. HANNA. Excuse me, do you agree that that is the case?

Mr. HUERTA. In part, but that is what I am going to address.

The key thing that I think that we look forward to working with the committee on is the implementation of the small UAS rule, which if implemented in the form that we proposed would provide the most flexible regulatory environment for small unmanned aircraft anywhere in the world.

The second thing is Congress provided very significant support for integration in the last authorization. The chairman noted the development of the unmanned aircraft test sites as being key to that. One of the things that we want to use the test sites to focus on is the very testing that you are talking about. We have heard, though, from many members of the unmanned aircraft community that since no funds were authorized for appropriation to the test sites, the test sites have turned to the testing itself as being the business model through which they support themselves. I have heard a story from one company of being charged a quarter million dollars for a week's testing for a small manufacturer of unmanned aircraft.

So I think providing a supportive framework that enables the test sites to provide low-cost testing resources for companies here in the U.S. would be something that would be very worthwhile.

Mr. HANNA. Thank you. I yield back.

Mr. LOBIONDO. Thank you.

Mrs. Kirkpatrick.

Mrs. KIRKPATRICK. My question has to do with the CTI institutions. In 2012 and 2013 Arizona State University participated in an FAA diversity study. The survey highlighted the CTI organization's historically diverse alumni pool. ASU's CTI graduates certify at a rate two times faster than the national average, thereby significantly reducing the FAA cost to the taxpayers. The FAA's recent change in hiring practice has eliminated employment possibilities for over 400 Arizona students and graduates. The nationwide impact is much greater as CTI institutions exist in over 20 States.

The students in these classes have made large personal investments based upon published FAA commitments to hire and based upon longstanding practices. So my question is, why make the change now? Why has this change been made?

Mr. HUERTA. The first thing to recognize is that the air traffic controller position is an extremely attractive position, and there will always be more candidates than there are positions. Earlier I used the example of last year where we had 28,000 applications for only 1,600 positions. So this is a rate that is less than a lot of elite colleges in terms of your ability to get a job.

The CTI program does not provide any degree of guaranteeing anyone having a job, but it is something that the agency takes very seriously. In this last hire, two-thirds of those hired came out of CTI institutions, so it does recognize that what we have in the CTI program is skill building that enables us to get people through the system.

What we are trying to balance and recognize is, as the profession changes, we want to ensure that the air traffic controller position is available for the broadest range of qualified candidates so that we can get the best pool of applicants, so that we can ensure the most qualified workforce and the safest system that we possibly can have.

Mrs. KIRKPATRICK. My concern really is about the cost to the taxpayer. So I hope you will factor that into that equation as well.

Thank you, and I yield back.

Mr. SHUSTER [presiding]. Thank the gentlelady.

And Mr. Graves for 3 minutes.

Mr. GRAVES OF MISSOURI. Thank you, Mr. Chairman. I have a lot of questions, but we are obviously not going to get to them.

I do have one real quick, and I don't know if you can give me a real fast answer on your revised guidance document when it comes to hangar policy. And I have got to say, I don't know why, given the limited resources the FAA has, why the FAA is even delving into this. I think it is a local airport authority issue and should be that. But I know you have got a policy that is sitting out there. Do you know what the status is right now?

Mr. HUERTA. I will check on it this afternoon and get you a response, Congressman.

Mr. GRAVES OF MISSOURI. All right. And then the next thing is something I am hearing from all over the country, and this concerns me a great deal from the small business standpoint, and that is the change in policy the FAA has come up with when it comes to testing pilot proficiency check rides in restricted use aircraft. We have got businesses out there, as an example, firefighting, they are authorized to use the aircraft, but now they are no longer author-

ized to be able to test without an exemption. You have got an exemption process in there, but we are hearing that that process can take months, and this is going to shut down a lot of those businesses.

The process of being able to test or do your test or proficiency check rides in these aircraft is a policy that has been in place for 50 years, and I know the FAA just changed it, and it is serious. Businesses are calling, they are frantic because they are going to go bankrupt if they can't do their business. This has to be resolved right away. It is a problem. And, again, it goes back to not having enough resources to be able to process these exemptions very, very quickly if there is even an exemption issued.

Mr. HUERTA. Sure. Let me check on it.

Mr. GRAVES OF MISSOURI. OK. Thanks.

Mr. SHUSTER. As the gentleman knows, you can submit all the questions you want for the record.

Mr. GRAVES OF MISSOURI. Well, I have four.

Mr. SHUSTER. And with that, Ms. Norton is recognized for 3 minutes.

Ms. NORTON. Thank you, Mr. Chairman.

I have a question that I think must trouble other Members from major metropolitan regions. I notice on page 4 of your testimony you say that you want to make aviation safer and smarter. And I wonder if NextGen and what you are doing there, whether that also applies to making planes less noisy. There are a number of communities near the Reagan National Airport—the Foxhall, Palisades, and Georgetown communities, with constant issues before NextGen, and we have had some NextGen implementation here. Later this spring I am going to be having a community meeting.

I am troubled, though, that the community has been meeting with the FAA and with the Metropolitan Washington Airports Authority, and thus far the questions about noise, and noise itself, remain and the questions are unanswered.

It seems to me that it would be very important for there to be a collaboration between FAA and communities, particularly since these communities are now densely populated with real people. And I am asking if you will be available or if FAA will be available to participate if I have a community meeting trying to sort these issues out?

Mr. HUERTA. The FAA will certainly work with you to address these community concerns and to respond to them. I can give you a couple of things that we are working on, though. As a result of the redesign of the airspace here in the Washington area, we have been working very closely to ensure that flight paths are more precise, that they follow the river.

Ms. NORTON. Yes, that is critical, rather than following the community.

Mr. HUERTA. The river does wind, but as a result of technology we are able to follow it much more precisely. That is something where we have a very active program with MWAA, the Metropolitan Washington Airports Authority, to ensure that aircraft are in fact following the river going forward.

We have a larger initiative that we have undertaken as well, which is really to study the question of the DNL metric, that is the

day-night average method that is used as the measure of aircraft noise. This is something that has been around for a very long time. As a result of just the changes in technology, as well as the evolution of how aircraft engines and aircraft airframes have evolved, we want to validate and determine whether we need to change the metric of how we look at noise and how we measure its impact on communities.

Ms. NORTON. This would be very important. A resident wrote the FAA's ombudsman and has said that there are only 3⅕ hours per night when there are no flights over these communities. This is just unacceptable.

One more question, if I have time.

Mr. SHUSTER. Your time is going to expire. So I would ask you to submit it in writing because we have 6 minutes and I have got two Members here.

Ms. NORTON. Let's let those Members speak then.

Mr. SHUSTER. OK. And submit it for the record.

Mr. Capuano.

Mr. CAPUANO. Thank you, Mr. Chairman.

And thank you, Mr. Administrator.

Twelve years ago I fought to get on this committee and one of the first things I learned about was NextGen. Sounded great to me, safety and improved efficiency. Twelve years later and, I don't know, about 1,000 hearings on NextGen, and, I don't know, give or take $5 billion of taxpayer money and I don't know how much money in private companies.

It has now been implemented in Boston. And I have got to be honest, Mr. Administrator, my support is significantly wavering. I don't see much change for all the money and effort. This is not laying on you. I don't think there is anything bad, I think it is good to try something new. But sometimes it is also good to say maybe it is not worth the money.

And I am kind of at that point now. Especially I am following up on a question on DCA, as far as Boston goes, I am told that I can't even intentionally fan planes because, oh, no, we can't do that, yet in DCA you can do this. I just landed that way the other day, sounded great. I understand it. But I can't do it anyplace else. That doesn't make sense, especially when we spend all this time and money on a system that should allow you to do that exact same thing.

Mr. Administrator, I have got to tell you, my real basic question is, why should I continue to support throwing money at NextGen when I have yet to see enough bang for the buck when it comes to decreasing noise, when it comes increasing safety, when it comes to decreasing delays, or any of other things that we had hoped that NextGen would support.

I want to be clear, I have always been a supporter of NextGen. I kind of still am, but I won't be until we start seeing these savings again really quickly. I haven't seen them and I don't think I am going to see them in the near future and I just would like to give you the opportunity to convince me to hang in there.

Mr. HUERTA. Well, I would encourage you to hang in there. We are seeing significant benefits all around the country. But I would like to talk about some of the specific things we are doing in Bos-

ton. Boston Center has been fully upgraded in terms of the new automation platform, the en route automation platform that is really central to the deployment of all of the NextGen benefits that we are talking about, and it is operating and operating very, very well.

Boston Logan Airport is an important test facility for us to test a lot of NextGen-related surface operations that greatly increase the efficiency of the airport, reducing departure delays, and also reducing congestion on the ground. We have a great relationship with the Massachusetts Port Authority to try to make the airport operate more efficiently.

As we deploy more performance-based navigation procedures at Boston and at all the New England airports and throughout the country, what the airlines get is more efficient fuel consumption, as well——

Mr. CAPUANO. Mr. Administrator, I don't mean to interrupt you, and that is all well and good, but why are my complaints going through the roof? I mean, I have always had complaints about the airport, it is a congested area, but there are now much more than there have ever been. And, honestly, it started when RNAV was implemented.

Mr. HUERTA. Well, I think it goes back to something that I talked about with Congresswoman Norton. One of the things that we want to understand is, is there is a fundamental public shift in its interpretation and understanding of airport noise and how we respond to it. And this is one of the reasons that we want to look at the DNL metric to see whether we have better tools to evaluate noise on a community.

Mr. CAPUANO. When you do, please talk to some of us who have suffered with it, but not just the so-called experts.

Mr. HUERTA. No, it is actually a national survey that we are doing of communities around airports.

Mr. CAPUANO. Why don't you talk to some people who lived under——

Mr. SHUSTER. The gentleman's time has expired. I thank the gentleman for his questions.

And with that, the final 3 minutes goes to Mr. Meadows.

Mr. MEADOWS. Thank you, Mr. Chairman.

Mr. Huerta, thank you. I will be very specific. We have had a number of hearings where we have talked about certification process, specifically toward general aviation. A number of recommendations made in those hearings. What I want to see from you is specifically three major streamlinings of that process. I am tired of hearing about it, I am tired of getting testimony and nothing getting done. It needs to go in this reauthorization.

I am committed to helping you with this reauthorization, but I am not committed if you are not going to do that. Do I have your assurance that you can help us with streamlining the certification process?

Mr. HUERTA. I think what you are referring to is the rewrite of part 23, which are the provisions that deal with general aviation, where we have worked collaboratively with industry. We are planning to get a notice of proposed rulemaking out this year on that.

Mr. MEADOWS. Well, can we have your thoughts on that before that? Because obviously we have got a reauthorization process that

is in the formation process now. I don't want to wait to have that. We need to have that. Can we get that from you?

Mr. HUERTA. Because we are in a rulemaking process, I can't disseminate what is in the rule, but we can——

Mr. MEADOWS. Well, you are disseminating it to other people. No, I mean, you are just saying you can't disseminate it to Congress?

Mr. HUERTA. No, that is not what I am saying. What I am saying is I can't actually publicly put out what is in the rule until it comes out for a notice. But we can certainly share with you——

Mr. MEADOWS. But you can tell us what your thinking is.

Mr. HUERTA. We can certainly tell you what the results of the ARC have been, working with industry and exactly where——

Mr. MEADOWS. Well, we have probably heard that at hearings. But let me go on further. You talked about gold standards, and EASA is starting to take over that gold standard, if we start to look at internationally in terms of competition. So I want to ask you, what are you personally doing to promote U.S. products internationally?

Mr. HUERTA. The FAA cannot actually promote U.S.——

Mr. MEADOWS. Well, they are, your competition is.

Mr. HUERTA. That is true. They have a specific promotional authority. Our promotional authority was removed from us in 1996. And so how we focus on promoting U.S. products is ensuring that we can streamline the process to get the products to market.

Mr. MEADOWS. And so can you submit to this committee three things where you have actually streamlined regulations, significant?

Mr. HUERTA. Sure.

Mr. MEADOWS. I am not talking about just small, but I am talking about significant streamlining. Have you actually done that, is that your testimony here today?

Mr. HUERTA. Yes, it is, and I would be happy to share examples with you.

Mr. MEADOWS. All right. I will yield back. Thank you, Mr. Chairman.

Mr. SHUSTER. Thank you, Mr. Meadows.

Again, I apologize to all the members of the committee for not being able to continue this.

Mr. Huerta, thank you for being there today.

We thought about coming back after, but it is an hour and a half and I want the Administrator to go back to the FAA and work on all these things we have been talking about.

But we appreciate you being here. Members, I am sure, will be submitting questions. I would encourage you to get back to us as quick as you can. It would make my life easier when they start pounding on me on why they are not getting responses. But you have been very good in that in the past and we appreciate that.

Again, thank you for being here.

And thanks to all the Members for being here.

The hearing is adjourned.

[Whereupon, at 10:43 a.m., the subcommittee was adjourned.]

Statement of Ranking Member Peter DeFazio
Aviation Subcommittee Hearing on
"Federal Aviation Administration Reauthorization: Enabling a 21st-Century Aviation System"
March 3, 2015

Thank you, Mr. Chairman, for calling today's hearing on Federal Aviation Administration (FAA) reauthorization. All the people in this room—from my colleagues on the dais to stakeholders in the audience—have been talking about FAA reauthorization for months. To say the least, there are a lot of different opinions on what we should focus on in this bill.

But the Administration has mostly been quiet until now, so I am glad to welcome Administrator Huerta to the hearing and look forward to his testimony and his answers to our questions.

If we want to avoid a short-term extension, we have 212 days from today to write a bill, mark it up, pass it, probably work through a conference with the Senate, and enact it. Much work is ahead.

There has been a lot of talk about a "transformational" bill. I am open to alternatives that would shield air traffic control, traditionally a governmental function, from the funding crises, fiscal cliffs, shutdowns, and sequestration of the past few years—all of which have been created by Congress.

But, the first question we have to answer is: What problem are we trying to solve? I have yet to hear a consistent answer to that question. Hopefully today's hearing will be a step in the right direction, and I look forward to continuing the conversation with Chairman Shuster and the rest of my colleagues over the coming weeks and months.

On balance, much works well at the FAA. Seventy-one of 76 stakeholders interviewed by the Government Accountability Office (GAO) last year said the U.S. aviation system is "very" to "extremely" safe. Only 12 said there is little accountability in the FAA for NextGen delays. Still, no one can deny the FAA has challenges—challenges in keeping modernization programs on track and on budget, and challenges in running the agency day to day.

Aside from the big question of whether we restructure the air traffic control system, I look forward to hearing more about what needs to be fixed. Some needs are clear right away:

- The FAA must improve procurement. I have said before that the FAA is the only agency worse at procurement than the Department of Defense. The Inspector General of the Department of Transportation testified before the Committee last November that the FAA's major acquisitions programs continue to see cost increases and delays. In fact, the Inspector General

testified that, of 15 major acquisitions that were ongoing at the beginning of the last fiscal year, eight had baseline cost increases totaling $4.9 billion.

- The FAA must keep NextGen on track and keep pace with the rest of the world in modernizing our airspace.

- The FAA must integrate new users into the national airspace, while ensuring that unmanned aircraft do not endanger the flying public or people on the ground.

- The FAA must do a better job overseeing the safety of foreign aircraft repair stations, as the Department of Transportation Inspector General has reported numerous times, most recently in 2013.

- The FAA must improve its certification processes and ensure the strictest oversight of manufacturers to improve safety, while avoiding unnecessary delays and costs to the aviation industry.

- And, finally, we in Congress must do what we can to support the global competitiveness of the U.S. aviation industry.

This is just part of the list, of course. And I look forward to hearing about other areas for improvement in the coming months. But I would say to you, Administrator Huerta, that this is your opportunity to tell the Aviation Subcommittee what the FAA needs from this bill.

We tell you that we expect you to keep our aviation system among the world's safest, and to modernize the airspace and run the air traffic control system at the same time. Now, I hope you will tell us what authorities and tools you need to do the job.

Thank you again, Mr. Chairman.

Rick Larsen

Larsen Statement, Aviation Subcommittee 3/3/15

- Good morning. Thank you, Chairman LoBiondo, for holding this hearing on Federal Aviation Administration (FAA) reauthorization.
- As we continue our yearlong series of hearings on FAA reauthorization today, it is time that we hear from the agency itself about what is working and what is not, and what Congress can do to maintain the U.S. aviation system's impressive safety record and global leadership.
- The authorization for the FAA expires in less than eight months.
- There is no doubt that we have our work cut out for us. But I am personally committed to do my part to work along with Chairman LoBiondo to ensure that we complete a bill on time, without the need for an extension.

- I expect we will cover a lot of ground, so let me walk through a few of my priorities briefly. I strongly believe that the reauthorization must maintain or enhance safety; invest responsibly in the aviation system; move NextGen forward; advance certification reform; and move closer toward safe integration of unmanned aircraft systems (UAS).

- First, safety. I want to be clear that **I will not support any efforts to roll back any safety improvements of the past several years**.

- The FAA has made great progress implementing the mandates of the *Airline Safety and Federal Aviation Administration Extension Act of 2010,* and any attempts to undo this work, including any weakening of pilot qualification rules, is a nonstarter for me.

- Next, investment. We must provide stable and adequate funding to mitigate the impacts that sequestration and budgetary constraints have had on the agency.

- In light of the FAA's ongoing fiscal challenges, potential reforms of the air traffic control system have been a popular topic of conversation. I have said this before, and I will say it again: reauthorization must not be a science experiment.

- Our air traffic system is not fundamentally broken. If we resolve to be "transformational," we must do so with a clear statement of the problem we are trying to solve and clear understanding of how to solve it without compromising what is working - safety.

- On NextGen, there are clearly opportunities for Congress to streamline, optimize, and enhance the NextGen effort in the reauthorization bill.

- Last October, in response to a tasking from Chairman LoBiondo and me, the FAA selected four priorities identified by the RTCA NextGen Advisory Committee that will produce real benefits for airlines and the flying public. The Chairman and I will remain laser-focused and in lockstep in seeing these priorities through and continuing to push the FAA to make progress in other important NextGen programs.

- When the Committee met in January to discuss the FAA's certification programs, we heard that U.S. aircraft, engine, and component manufacturers often experience costly delays in certification projects.

- We have an opportunity in this bill to optimize the certification process - to make it more efficient, more predictable, and more transparent. I intend to seize that opportunity.

- I look forward to hearing from Administrator Huerta about what he intends to do to maintain our global leadership in certifying new technologies and what, if anything, Congress can do to help.

- Finally, there is the issue of Unmanned Aerial Systems, or UAS. The UAS industry has great potential to drive economic growth and create jobs. The FAA estimates as many as 7,500 small commercial UAS may be in use within the next three years.

- The magnitude of the safety implications of incorporating this new technology cannot be overstated. Our nation's airspace is the most sophisticated and congested in the world, so safely integrating these new users into the airspace is no small task.

- So we must figure out how to ensure the FAA is keeping pace with steps toward integration, without compromising the safety of the system.

- Our aviation system is the world's finest. But in the face of strong global competition, we must work hard every day to keep it that way. This reauthorization provides a historic opportunity to do so.

- Thank you; I yield back.

STATEMENT OF MICHAEL P. HUERTA, ADMINISTRATOR, FEDERAL AVIATION ADMINISTRATION BEFORE THE HOUSE COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE, SUBCOMMITTEE ON AVIATION, ON FEDERAL AVIATION ADMINISTRATION REAUTHORIZATION: ENABLING A 21ST CENTURY AVIATION SYSTEM, MARCH 3, 2015.

Chairman LoBiondo, Ranking Member Larsen, Members of the Subcommittee:

Thank you for inviting me to speak with you today on the reauthorization of the Federal Aviation Administration's (FAA) programs. This is my first appearance before the 114th Congress. I know there are quite a few new faces that I expect to become familiar with in the coming months.

It seems it was not that long ago that the FAA was celebrating the passage of the *FAA Modernization and Reform Act of 2012* (the Act). As you know from recent hearings, the FAA continues to work to meet the directives of the Act. We have completed over three-quarters of the more than 200 reauthorization requirements that Congress directed us to undertake in the Act. We are proud of what we have achieved and know we still have more work to do.

Aviation was born in America – and has thrived in this country since Wilbur and Orville took their first flight over 100 years ago. We are truly unique in having the world's most vibrant and diverse aviation community - commercial carriers, regional carriers, business aviation and recreational flyers, not to mention new users like operators of unmanned aircraft systems (UAS) and commercial space vehicles. U.S. aircraft and avionics manufacturers produce some our nation's most valuable exports.

Our leadership, however, is being challenged globally by the evolution of the industry and the

growth of foreign competitors. Domestically, the FAA faces several particular challenges moving forward: investing and implementing long-term modernization and recapitalization projects, and quickly adapting to the growth and development of the global aviation industry. In recent years, funding uncertainties resulting from sequestration, government shutdowns, and short term reauthorization extensions, have hurt the FAA's ability to efficiently perform our mission, and have impeded our ability to commit to long-term investments. This means that we need stable, long term funding to effectively operate our air traffic control system, invest in NextGen and efficiently recapitalize our aging facilities. This would best be achieved with the passage of a long term reauthorization bill that establishes stable long term funding to provide the certainty necessary to plan and implement long term projects. In times of constrained budgets, we need to prioritize our responsibilities to focus our resources on ensuring the safety and efficiency of the existing aviation system as well as delivering new technology and capabilities, and respond nimbly to evolving challenges such as new external cyber security threats. Additionally, the agency needs greater flexibility to transfer funding between accounts to meet those challenges. We cannot risk being left behind as the aerospace industry becomes more complex, diverse, and globalized.

At the FAA, we have begun laying the foundation for the aviation system of the future and ensuring that the United States continues to play a fundamental role in shaping the global aviation system. To achieve this, I am focused on several strategic areas: (1) making aviation safer and smarter through risk-based decision making; (2) delivering benefits to the traveling public and industry through technology and infrastructure improvements; (3) fostering a workforce with the skills and innovation necessary to deliver the future system; and (4)

reinvigorating our influence around the world through our Global Leadership Initiative.

To maintain our global leadership – and continue to reap the economic benefits of this industry – I believe we must use the upcoming reauthorization as an opportunity to provide the FAA with the tools necessary to meet the future needs of our industry stakeholders and the traveling public. Global leadership in aviation is an area that is of mutual concern to all of our stakeholders, this Committee and the Administration.

Air travel is an invaluable asset to the U.S economy and the FAA shares a responsibility for ensuring that asset is available to the flying public. A long term reauthorization can also lay the groundwork for ensuring consumer protection and fostering competition in the national airspace. Access to small and rural communities can be improved by increasing efficiencies in existing programs, and air travel can be made more accessible to those with disabilities. Because the flying public relies on services the FAA provides every day, because aviation is a tremendous asset to our economy, and because of our global leadership role, we must take steps to ensure the FAA is well-positioned to meet the challenges the aviation industry faces. A lot is at stake here, so getting things right is vital.

To succeed, we will need to unite the interests of industry and the flying public around our priorities and I welcome the opportunity to continue this dialogue on how best to move forward. With a unified view on the right tools and initiatives, this upcoming reauthorization will give the FAA a tremendous opportunity to make a difference for the traveling public and the economy, while addressing the challenges that the changing industry presents.

Making Aviation Safer and Smarter through Risk Based Decision Making

The aerospace industry is growing more complex, and is not the same industry we regulated in decades past, or even a few years ago. Several factors in particular are increasing the complexity of the industry and introducing different types of safety risk into the system. These factors include new aerospace designs and technologies (e.g., UAS), changes in the FAA's surveillance and oversight model (e.g., designee management programs), and different business models for the design and manufacture of aircraft and products (e.g., more global supply chains). In order to leverage FAA's limited resources, we must ensure that they are directed at areas with the highest safety risk. Because commercial aviation accidents are becoming rare occurrences, the FAA needs to build on these safety successes and identify and mitigate precursors to accidents to better manage aviation safety and ensure we continue to have the safest aviation system in the world.

Reauthorization can help us succeed with this initiative by establishing and fostering risk-based safety approaches to aviation oversight; expanding collaborative, data-driven safety processes with industry to improve safety; and accelerating risk-based certification mechanisms in order to achieve more streamlined processes in areas such as certification. I know you have heard from industry that this is important from their perspective in order to improve their competiveness in a global market.

Delivering benefits through technology and infrastructure in the National Airspace System (NAS)

This initiative lays the foundation for the NAS of the future by achieving prioritized NextGen benefits, integrating new user entrants, and delivering more efficient streamlined services. The nation's air traffic system is based on infrastructure that was largely built 50 years ago and is out of balance with our stakeholders' changing needs and is increasingly costly to maintain. Over the past 10 years, the agency has seen dramatic technological change, fuel price fluctuations, congestion concentrated in fewer hubs and an increasing backlog of much needed infrastructure, maintenance and modernization.

Building the NAS of the future and accommodating new services will require difficult decisions. FAA needs the flexibility to modify its service levels to match changing industry air traffic demands. This is essential in order to reduce costs and become more efficient in the long run. The network of FAA facilities, infrastructure, and technology is aging and sprawling and needs to be addressed. Over the next four years, it will be important to find a path so the NAS can undergo a transformation to a more efficient system with increased safety and user benefits. This means expanding collaborative efforts with industry stakeholders to implement NextGen. We need to continue to ensure that industry makes timely and necessary equipage investments to maximize the widespread deployment of NextGen. The NAS strategy sets a framework for prioritizing investment decisions and delivering measurable benefits. We can't afford a "business as usual" approach, especially if we want to maintain U.S. global influence. We need reauthorization to allow the FAA to better align our resources with the needs of the NAS by

providing the FAA greater flexibility to modify our service levels to support changing industry demand, and by establishing a collaborative, transparent, and binding process to modernize FAA's facilities and equipment and match our footprint to the demand for air travel.

NextGen is already redefining the NAS and delivering benefits to system users, such as reduced fuel costs, reduced delays, and reduced environmental impacts. Reauthorization can enable the FAA to enhance delivery of widespread benefits by expanding collaboration with industry to continue NextGen implementation. This includes collaborative efforts to ensure that industry makes timely and necessary equipage investments, working with industry to clarify and enhance milestones with hard deadlines for all NextGen projects and define measurable user benefits and deadlines for the delivery of those benefits.

Reauthorization should establish flexibilities, such as exemptions from existing law, needed to enable the safe and efficient integration of new users, including UAS and commercial space transportation vehicles, into the NAS, encouraging these innovative technologies. Last month, we issued a notice of proposed rulemaking that represents a big step forward in outlining the framework that will govern the use of small unmanned aircraft weighing less than 55 pounds. The proposed small UAS rule offers a very flexible framework that provides for the safe use of small unmanned aircraft, while also accommodating future innovation in the industry. We are doing everything we can to safely integrate these aircraft while ensuring that the United States remains the leader in aviation safety and technology. Reauthorization should support the development of tools and regulations to safely and efficiently integrate new users, including UAS and commercial space vehicles, into the NAS.

Finally, the nation's airport infrastructure must also be maintained. We propose to increase the Passenger Facility Charge to $8 to allow for needed investments in commercial service airports. Restructuring funding for the Airport Improvement Program (AIP) to better respond to the needs of smaller airports is also critical to ensuring that all users of the system have the infrastructure in place to meet their future needs.

Empowering and innovating with the Workforce of the Future

As our strategic initiatives suggest, FAA is embarking on a major transformation that can only be accomplished if it has a workforce that is prepared with the skills and mindsets to drive the needed change. Reauthorization can support long term workforce planning and implement policies that will foster the strong, skilled, accountable workforce necessary to implement NextGen. Strong leadership is required from all levels of the agency to communicate the vision, implement the priority initiatives, and ensure that transformational impact will be sustained. The movements toward risk-based decision making, transforming the NAS through streamlined services, acceleration of NextGen benefits, and integrating new users to the system require new technical and functional skills, and a cultural shift in how the agency works.

To stay accountable to the public, the FAA will also refine its publicly available agency performance scorecard to clearly and publically acknowledge major changes to program's milestones, deadlines, costs, savings, or benefits. Monthly reporting on the agency's website on the performance of the agency and aviation industry in meeting these goals will help ensure that

the FAA remains transparent and accountable to its mission.

We are in the midst of a retirement wave, which presents both challenges and opportunities. It is important to set the foundation to empower and to innovate with tomorrow's FAA employees. The FAA needs to harness the collective strength of the agency's employees. The FAA's workforce is the ultimate driver of our success, which means that the agency must attract and develop the best and brightest talent, with the appropriate leadership and technical skills to undertake a necessary transformation.

Enhancing Global Leadership

To enhance our global leadership position, we need to show the world how to achieve the next level of safety, deliver the technological capabilities to modernize air traffic management, and integrate new users seamlessly into the NAS. While aviation was invented in America, there is no guarantee that the United States will continue to shape the second century of flight. As other nations have seen their aviation systems grow dramatically they have become significantly more influential on the international stage and this presents safety, efficiency, and competitive challenges for both the FAA and U.S. businesses The FAA needs to be at the table to shape and harmonize international standards to effectively address these issues. This means we need to increase collaboration with industry and leverage our international relationships. The FAA also needs to strengthen the U.S. presence and role at the International Civil Aviation Organization (ICAO) and other international forums.

The United States benefits from global leadership with increases in safety, efficiency, environmental sustainability, exports, and leverage to achieve broader international objectives. FAA programs promote seamless connectivity across borders for air navigation and product exchanges. Worldwide acceptance of U.S. policies and regulatory approaches removes barriers for the U.S. aerospace industry. The global leadership initiative ensures that the FAA maintains its external engagement and internal structure to continue improving the safety and efficiency of global aviation. To help us succeed, we need reauthorization to provide the budget stability over a long term that will prevent disruptions to our services and participation in the global aviation community, and demonstrate our commitment to aviation.

Conclusion

I have outlined our aspirations, our challenges, and some guiding principles and ideas for how reauthorization could help advance safety improvements, make the national airspace system more efficient, improve service for air travelers and other stakeholders, and enhance America's leadership in aviation.

What I have outlined today is a bold aspiration for the FAA, and will span far beyond the next four years. However, we are also committed to seeing measurable and steadfast progress that will achieve tangible benefits to users of the system by 2019. The rapidly changing industry, the technological opportunities, the uncertain fiscal environment, an evolving workforce, and the global backdrop comprise a compelling case for transformational change, and that is what the FAA expects to achieve.

I like to believe we share a common vision for the FAA and its role in the future of aviation, domestically and globally. I hope that this mutual goal will enable us to work closely in the coming months to agree upon the changes necessary for the FAA to achieve the initiatives I have outlined today.

Mr. Chairman, Ranking Member, I am eager to work with you and the committee as we strive to achieve the appropriate path for the future of aviation and the economic engine it represents.

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QUESTIONS FROM HON. BILL SHUSTER

QUESTION 1: Administrator Huerta, as you know, the Federal Contract Tower Program has been in place for over 30 years. As the DOT Inspector General has stated in numerous reports, the program has enhanced safety and improved air traffic control services in a cost-effective manner. In light of the recent budgetary environment, can you provide an overview of the agency's short- and long-term strategy and plan for the program?

> **Answer 1:** As your question recognizes, the current budgetary environment affects the FAA's ability to efficiently perform its mission. In the short term, the FAA Contract Tower program is expected to continue based on the availability of funding. We anticipate a change in the number of facilities and/or their cost share portion as the update to the Benefit/Cost process is completed after internal coordination and consultation with the stakeholders. As the FAA executes its longer term strategic initiatives, the agency will have to focus on reducing costs by delivering more efficient streamlined services directed at areas with the highest safety risk. Under these initiatives, we expect that alternative technology, under development today, will possibly be available in the future to safely and efficiently provide air traffic services at low activity airports without the need for an airport traffic control tower.

QUESTION 2: Administrator Huerta, as you know, section 804 of the FAA Modernization and Reform Act of 2012 required your agency to develop a comprehensive report on the agency's air traffic control facilities consolidation and realignment plan. Can you please provide an update on the status of this plan and its eventual implementation?

> **Answer 2:** The collaborative Section 804 workgroup is currently analyzing Year 1 sites for potential realignment, which includes 27 total sites (13 potential transfer sites and 14 potential receiver sites). In March, the workgroup began Year 2 analysis.
>
> The first part of the first annual National Facilities Realignment and Consolidation Report, containing the first two recommendations, has been published in the Federal Register as of March 26, 2015. The report contains the recommendations of the Administrator, and includes justification / projected costs and savings and the proposed timing of implementation for each.
>
> Following the Federal Register submission, the timeline includes a 45-day period to receive comments from the public, up to 60 days for the Agency to submit the report to Congress, and a 30-day period for Congressional action. Once approved by Congress, the Administrator intends to implement the realignment recommendations. Implementation requires a consistent source of multi-year funding. Realignment recommendations also typically require a one-year notification to any impacted workforce prior to implementation.

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QUESTIONS FROM HON. DON YOUNG

Administrator Huerta, Last year the Federal Aviation Administration (FAA) abandoned a sensible and reliable means of screening Air Traffic Controller candidates that had been used for a quarter of a century. In its place, the FAA injected a controversial hiring procedure involving a Biographical Questionnaire (BQ) apparently aimed at bringing in more "off the street hires."

Some within FAA touted this as a way to increase diversity among air traffic controllers. However, your own Assistant Administrator for Human Resource Management claimed in correspondence to concerned citizens, "I can assure you that diversity is not a factor in determining applicant eligibility or who is subsequently referred and/or selected for employment with the FAA."

Administrator Huerta, I am someone who has been a strong advocate for affording opportunity for minorities in our country for my entire career. However, I am concerned that this abrupt change in screening procedure unfairly treats those who prepared themselves for service with the FAA at great personal financial risk. In addition, I am deeply concerned that removing the Agency's preference to Collegiate Training Initiative (CTI) school graduates runs the very real risk of degrading aviation safety in our skies.

For years, the FAA asked public educational institutions to establish these CTI schools to better prepare their graduates for the FAA Academy. By your agency's own words as recent as 2012, these institutions, at significant school expense, delivered on that mission. Their graduates were more likely to successfully complete the FAA Academy. Many Alaskans and Americans nationwide prepared themselves through schooling at the college level to be trained to better compete for an opportunity to become certified air traffic controllers. For them too, this decision required a significant financial investment. Surely, there are sensible ways to encourage and improve outreach to individuals from all backgrounds that does not also weaken educational requirements that help ensure FAA Academy attendees are well equipped for the rigors of course training to become air traffic controllers.

The FAA's decision to remove the CTI graduate preference one year after singing their praises is confusing at best. When determining how to best prepare individuals responsible for the safe transport of aircraft in our skies, this hiring procedure shift seems ill-advised. As a result, I joined with many of my House colleagues on a bi-partisan basis to co-sponsor legislation in the last Congress, H.R. 5675, to rectify this flawed and potentially dangerous decision by the FAA.

The FAA has been heavily involved in moving to what it calls NextGen, or an upgrade to satellite based technology and a new era of flight in the United States. This should represent a giant step forward in the nation in terms of air traffic safety. This is not a time for moving backward regarding attracting, screening and hiring our best to work in such a critical line of work. The education and training of air traffic controllers can be, and oftentimes are, used to save lives.

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With this in mind, I ask that you provide me with answers to the following questions:

QUESTION 1: Has the FAA put aside and are no longer utilizing in any way the so-called "Bio Q" or Biographical Assessment questionnaire?

> **Answer 1**: The FAA will use a newly revised and validated version the Biographical Assessment (BA) for the 2015 March general public announcement.

QUESTION 2: If not, why?

> **Answer 2**: The BA has performed as it was designed. It was professionally developed and validated based upon years of extensive research of the ATCS occupation in accordance with relevant professional standards and legal guidelines for pre-employment selection testing. Its questions are designed to measure past events and behaviors validated as predictors of success as an Air Traffic Control Specialist. The questions cover a multitude of applicant attributes such as their education, academic achievement, aviation related experience and achievement orientation. The revised version being used in 2015 has enhanced security features and was based on the results of a 2014 Job Task Analysis of the ATCS occupation and a BA Validation Study. More than 1500 current Certified Professional Controllers (CPCs) and their managers participated via survey or personal meeting in the job task analysis and BA Validation Study.

QUESTION 3: When will the FAA provide for the reconsideration of applicants disqualified on the basis of the Biographical Assessments?

> **Answer 3**: The FAA has no plans to provide reconsideration to applicants disqualified on the basis of the Biographical Assessment used in the February 2014 general public announcement.

QUESTION 4: Will the FAA hold harmless students who were enrolled in a Collegiate Training Initiative (CTI) institution prior to the 2013 change in hiring practices? That is, will the FAA consider retaining previous preference status to these individuals when applying to the Academy?

> **Answer 4**: The FAA implemented some initial revisions to the ATCS hiring process in February 2014. Prior to implementing those revisions, and consistent with Federal employment rules and practices, the agency closed its standing ATCS inventory in January 2014. Those applicants with applications in the legacy inventory were each notified of the closure of the inventory and invited to re-apply for consideration under the revised hiring process. The new process and competition were fair and open to all U.S. citizens who chose to apply. Graduates and/or applicants with a Collegiate Training Institution (CTI) background represented nearly 50 percent of the 1591 hired from the February 2014 ATCS announcement.

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QUESTION 5: Is the FAA revising the age cut off so as to compensate for those who have been placed in jeopardy of bumping up against the age limit because of the deviation from the Agency's past educational procedures?

> **Answer 5**: No. However, we have implemented those controller hiring eligibility age provisions contained in the FY 15 Consolidated Appropriations Act into our 2015 hiring process. Under the legacy system of hiring ATCs, applicants remained on a centralized inventory with the hopes of being selected, sometimes over several years. Every month, candidates would "age out" of this process due to non-selection.

QUESTION 6: What is the FAA doing to re-establish and enhance the reliance on the Collegiate Training Initiative Institutions around the United States?

> **Answer 6**: The FAA intends to pursue engagement and feedback from industry and academia, including the Collegiate Training Initiative institutions, through the following near term actions:
>
> - The establishment of a Center Of Excellence (COE) for ATC Advance Training
> - Tasking the Aviation Rulemaking Advisory Committee (ARAC) to provide advice and feedback on alternatives to providing Air Traffic Control Basic Training

QUESTION 7: In past years, the AT/SAT exam administered by the FAA tested applicants on their skills and aptitude. Will the results of past test results be utilized in assessing competency and qualifications for applicants? Will this exam continue to be relied upon into the future? If not, why?

> **Answer 7**: Past test results will not be utilized in assessing competency and qualifications for applicants.
>
> An alternate validated version of the AT-SAT exam will be used for the March 2015 general public announcement. Applicants who meet minimum qualifications and pass the BA will be invited to take the AT-SAT.
>
> The FAA is in the early stages of reviewing options and alternatives to the AT-SAT for future ATCS hiring. We project the earliest opportunity to actually implement any new replacement test will be FY 17.

QUESTIONS 8-9 re: The Medallion Foundation: Due to a growing backlog of inspections and budget gap, the FAA created the Organization Designation Authorization (ODA) program. This program allowed private entities to perform inspections on the FAA's behalf. In 2002, the FAA established a pilot program under the ODA with the Medallion Foundation in Alaska. Through grants secured by Senator Ted Stevens, Medallion started training and certifying operators. It has been a huge success. The Medallion Foundation is now funded at 70 percent

through federal and state grants, with the remaining 30 percent coming from revenue collected by users of the program. Aviation crashes have gone down in the region, by 57 percent from 2000 to 2009. The program has enough money on hand right now to last through next year.

A former FAA Administrator once said the Medallion program is unlike anything else in the country and hoped to see it spread to other areas of the nation. Does your agency plan to continue its financial support of this program?

> **Answer 8**: Given the uncertain federal budget climate in recent years, the Medallion Foundation recognized the need to move toward becoming a self-sufficient organization with regard to funding. The FAA recognizes that without funding support to sustain Medallion until it becomes self-sufficient, this important safety program will fail. In 2013, the FAA was able to secure an additional $1.5 million to carry Medallion into FY16. The FAA is working with Medallion to assist them in developing a business plan that will articulate future funding needs along with their plans to expand their safety programs to other states. This will help the FAA determine the level of financial support it can provide consistent with budget allocations.

QUESTION 9: Does the FAA support allowing this pilot project to expand beyond Alaska to other regions with similar aviation safety needs?

> **Answer 9**: The Medallion Foundation is developing an Organizational Designation Authorization (ODA) pilot project for approving operational certifications. This project will determine the viability of creating an ODA for initial air carrier certification. Once the test period is complete, the FAA will be able to analyze the data to determine if this ODA authority is suitable for national application.

QUESTION 10-12 re: Flight Standards: How are FAA's Flight Standards Division (AFS) and Aircraft Certification Office (AIR) working together to streamline regulatory processes for manufacturers as well as operators?

> **Answer 10**: FAA's Flight Standards Service (AFS) and the Aircraft Certification Service (AIR) have implemented a number of streamlining reforms through agency initiatives as well as in response to Sections 312 and 313 of the FAA Modernization and Reform Act. This includes the Dynamic Regulatory System (DRS) which will allow easy access to all FAA guidance materials for each regulation for both internal and external stakeholders.
>
> The Aircraft Certification Service has instituted a new prioritization process for certification applications to improve upon our responsiveness to industry. The new system prioritizes projects based on their safety benefits and complexity, and allows more efficient allocation of FAA's resources. Under the new process, we have eliminated the backlog of certification applications and it offers applicants a commitment to a response time for the review of compliance data. Applicants will now be able to begin work

immediately if they have an Organization Designation Authorization or are using an FAA-approved individual delegated engineering representative.

AFS and AIR are also currently working to review, validate, and cancel outdated guidance documents. In December 2013, AFS issued a memo on the Cancellation of Non-Official Guidance Documents. This memo stated that all guidance documents not housed in the Flight Standards Information Management System, the Regulatory Guidance Library (RGL), or on faa.gov would be cancelled, or incorporated into these electronic repositories. AFS is currently working with its divisions to compile a list of Advisory Circulars (ACs) and orders to cancel. AIR has an effort underway to validate that the RGL contains the correct version of AIR's guidance documents; ensuring that current guidance documents are marked appropriately and are easy to access via a publically available search function.

Finally, we are also working to establish a Regulatory Consistency Communications Board (RCCB). The intent of the RCCB is to provide a neutral and centralized mechanism for addressing and resolving regulatory compliance issues and allow FAA personnel and operators a mechanism for reviewing questions that have already been asked and answered. RCCB processes are under development.

QUESTION 11: Do different parts of the agency ask for duplicative information or put applicants through redundant processes?

Answer 11: Sometimes, it may appear to an applicant that there are duplicative requests for information or redundant processes. This is more likely to occur when the aircraft modification affects the operations.

QUESTION 12: How are you addressing this?

Answer 12: The best way for us to address this is with careful coordination between AFS and AIR to articulate the approval process and reasons for the needs of each organization.

QUESTIONS FROM HON. ROB WOODALL

QUESTION 1: The Federal Aviation Administration (FAA) recently proposed regulations regarding small unmanned aircraft systems (UAS). In this Notice of Proposed Rulemaking (NPRM), a "microUAS option" is detailed. When is the FAA planning to release the operational parameters for commercial applications of this microUAS option? What opportunities are available or will soon become available for electric utilities to become early adopters of BVLOS UAS for commercial applications that are in the public interest, such as infrastructure damage inspections after storm events, or that are inherently low-risk?

Answer 1: In the NPRM, the FAA invited public comment as to whether the proposed operational parameters for micro UAS should be used as the operational parameters for

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that option. The comment period will close on April 24, 2015, and the FAA will consider any comments discussing the micro UAS proposal when drafting the small UAS final rule. The FAA is currently developing operational concepts for beyond visual line-of-sight commercial applications, such as electric utility infrastructure inspection. In the meantime, utilities may apply for operational authority for line-of-sight infrastructure inspections under Section 333 of the 2012 FAA Reauthorization. Additional details may be found at http://www.faa.gov/uas/legislative_programs/section_333/how_to_file_a_petition/

QUESTION 2: Presumably, the FAA shares the interest of the Congress in streamlined, efficient, and effective regulation. To this end, does the FAA have any plans to more fully utilize the Organization Designation Authorization (ODA) program? If so, is this a priority for the FAA, and are there any specific actions that Congress can take to help the FAA realize this goal?

Answer 2: ODA is the highest-level delegation tool that the FAA uses for aircraft certification. The FAA delegates the vast majority of inspections and approvals on ODA projects. Each FAA team that manages an ODA sets up appropriate limits on what they authorize the ODA to do based on that ODA's demonstrated capability and performance. We continue to work within the FAA to gain efficiencies in ODA oversight and project management. We also work with ODA holders to identify where performance needs improvement in order to realize more ODA utilization.

QUESTIONS FROM HON. MIMI WALTERS

QUESTION 1: Section 313 of the FAA Modernization and Reform Act is intended to provide a way to achieve consistency in the regulatory interpretation in both certification activities and flight standards.

From your perspective, what is the status of implementation for this objective? Do you agree that industry stakeholders should be full participants in these initiatives?

Answer 1:

- On Section 313, we have taken several actions to implement industry's recommendations on improving consistency. One example is developing and testing our new database called the Dynamic Regulatory System, which will link all of our guidance material to the underlying regulations.
- We've also completed actions on two other industry recommendations, including improving our rulemaking procedures and establishing a Regulatory Consistency Communications Board.
- Our Section 313 implementation plan is available online at http://www.faa.gov/regulations_policies/rulemaking/committees/documents/index.cfm/committee/browse/committeeID/239

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QUESTIONS FROM HON. PETER A. DEFAZIO

QUESTION 1: This Committee has long been interested in ensuring that there is a level playing field for small business enterprises owned by women or minorities to compete for Department of Transportation contracts. To this end, Congress has statutorily authorized the U.S. Department of Transportation's Airport Disadvantaged Business Enterprises (DBE) program (49 U.S.C. 47113) and the Airport Concession Disadvantaged Business Enterprises (ACDBE) program (49 U.S.C. 47107(e)). The purpose of these provisions is to address past and current discrimination against minority and women-owned small businesses, and to ensure that they are provided equal opportunity to compete for DOT-assisted public transportation projects, and airport concession opportunities. While significant progress has occurred due to the establishment of the DBE and ACDBE programs, Congress has recognized that discrimination and related barriers continue to pose significant obstacles for minority- and women-owned businesses seeking to do business in airport-related markets across the Nation. These barriers merit the continuation of these programs as prior testimony and documentation has demonstrated that race and gender-neutral efforts alone are insufficient to address the problem.

Please submit any information and evidence the Department has compiled showing that race or gender discrimination continues to affect the airport industry and related businesses.

> **Answer 1**: Over the past several decades, the Department of Transportation, including the Federal Aviation Administration, and other federal agencies have submitted similar disparity/availability and other studies to Congress on which Congress has relied in part to find that there is a compelling need to authorize the Department of Transportation to create and to maintain its Disadvantaged Business Enterprise (DBE), and Airport Concession Disadvantaged Business Enterprise (ACDBE) Programs. Unfortunately, as demonstrated by numerous more recent studies, reports, and DBE/ACDBE participation data, including those attached hereto, although significant progress has occurred due to the enactment of the DBE and ACDBE programs, there is a strong basis in evidence to establish that discrimination, and the lingering effects of past discrimination, remains a significant barrier for minority- and women-owned businesses seeking to do business on an even playing field in the airport industry and airport related markets.
>
> **Index of Documents Submitted on Disc**
>
> [**Editor's note:** The disc containing the studies and data is available in the Clerk's office, Committee on Transportation and Infrastructure, attached to a permanent shelf copy of this hearing.]

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Disparity Studies

California

Availability and Disparity Study – California Department of Transportation, Prepared by BBC Research & Consulting for Caltrans (2012)

BGPAA Disparity Study – Burbank-Glendale-Pasadena Airport Authority, Prepared by BBC Research & Consulting for the Burbank-Glendale-Pasadena Airport Authority (2012)

2014 San Diego Association of Governments Disparity Study, Prepared by BBC Research & Consulting for San Diego Association of Governments (2014)

Colorado

City and County of Denver – Minority/Women Owned/Disadvantaged Business Enterprise Disparity Study, Prepared by MGT of America, Inc., for the City of Denver, Colorado (2013)

Mississippi

The State of Minority-and Women-Owned Business Enterprise: Evidence from Mississippi, Prepared by NERA Economic Consulting for the Jackson Municipal Airport Authority (2012)

Maryland

Disadvantaged Business Enterprise Disparity Study: Volumes I and II, Prepared by NERA Economic Consulting for the Maryland Department of Transportation (2013)

Maryland Aviation Administration Concessions Activity: Report on Utilization and Availability Statistics, Prepared by NERA Economic Consulting for the Maryland Department of Transportation (2012)

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North Carolina

Disparity Study for the Minority/Women Business Enterprise Program, Prepared by MGT of America, Inc., for the City of Greensboro, North Carolina (2012)

Ohio

The State of Minority- and Women- Owned Business Enterprise: Evidence from Cleveland, Prepared by NERA Economic Consulting for the City of Cleveland, Ohio (2012)

Pennsylvania

City of Philadelphia, Fiscal Year 2012, Annual Disparity Study, Prepared by Econsult Solutions, Inc., and Milligan & Company for the City of Philadelphia, Pennsylvania (2013)

Tennessee

The State of Minority- and Women- Owned Business Enterprise: Evidence from Memphis, Prepared by NERA Economic Consulting for the Memphis—Shelby County Airport Authority (2013)

Texas

The State of Minority- and Women- Owned Business Enterprise in Construction: Evidence from Houston, Prepared by NERA Economic Consulting for the City of Houston (2012)*

Washington

2012 DBE Program Disparity Study, Prepared by BBC Research & Consulting for the Washington State Department of Transportation (2012)*

*These studies were submitted last year by the Department of Transportation in response to a Question for the Record from Ranking Member Norton.

Reports

Report on Government Contracting to Assess the Relationship Between Contracting Outcomes for Small Businesses and the Type of Ownership of These Businesses, Prepared

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by Robert N. Rubinovitz, Deputy Chief Economist, Economics and Statistics Administration, Department of Commerce, (August 8, 2012)

Report of Defendant's Expert, in the matter of *Rothe Development, Inc., vs. Department of Defense and Small Business Administration,* Prepared by Jon Wainwright, Ph.D., Senior Vice President, NERA Economic Consulting, (March 8, 2013)

DBE and ACDBE Goal Shortfall Summary Statements, Prepared by FAA Office of Civil Rights, (April, 2015). The FAA Office of Civil Rights reviewed the shortfall data submitted by airport sponsors in accordance with 49 C.F.R. §26.47 *Can recipients be penalized for failing to meet overall goals*. The Office of Civil Rights prepared the following shortfall summary statements which reflect three fiscal years for both DBEs and ACDBEs.

DBE Goal Shortfall:
From FY 2012-2014, Disadvantaged Business Enterprises (DBE's) lost $185,520,835 in contracting opportunities at airports across the U.S. that fell short of reaching their aspirational DBE goals. Airports located in the Ninth Circuit that fell short of reaching their aspirational DBE goals, many of whom operate race and gender neutral programs, awarded 27.5% of the prime contracts but accounted for 42.5% of the lost contracting opportunities for DBE's.

ACDBE Goal Shortfall:
From FY 2011-2013, Airport Concession Disadvantaged Business Enterprises (ACDBE's) lost $429,538,625 non-car rental concession opportunities and $819,401,493 in car rental concession opportunities at airports across the U.S. that fell short of reaching their aspirational ACDBE goals. Airports located in the Ninth Circuit that fell short of reaching their aspirational ACDBE goals, many of whom operate race and gender neutral programs, accounted for 29.3% of the lost opportunities for ACDBEs in non-car rental concessions and 15.7% of the lost opportunities for car rental concessions.

QUESTIONS FROM HON. RICK LARSEN

QUESTION 1: We have heard that U.S. manufacturers sometimes face delays and added costs when they attempt to have their products approved for foreign markets. What can Congress do to assist FAA in maintaining its global leadership, so that U.S. manufacturers can remain competitive? Please be specific.

Answer 1: Emerging nations want to show they are competent in aviation safety and many foreign authorities have adopted the FAA certification system to a great extent. The FAA is working with these bilateral partners to harmonize standards across geopolitical boundaries in order to streamline the process and allow U.S. manufacturers to be more efficient. To help the FAA in maintaining our global leadership, Congress

can continue to support the FAA's engagement and technical assistance to partner international civil aviation authorities to facilitate a seamless acceptance of FAA approvals for US aviation products.

QUESTION 2: As you know, training of FAA systems specialists and aviation safety inspectors and engineers is extremely important. What is the FAA doing to ensure that FAA systems specialists, aviation safety inspectors and engineers are kept current on all technologies? How is the agency using modern training alternatives, such as online technical classes? Does FAA have any objection to using online technical classes for recurrent training?

Answer 2: The FAA relies on a properly trained workforce to perform highly technical duties in order to meet its safety mission. The FAA uses a multitude of instructional methods including web-based training, web-conferencing, workshops, on-the-job training, work support tools, and classroom instruction to develop its highly technical workforce. To ensure that the most pressing training needs of each office and team within the FAA are identified and continually assessed, managers are asked to, at a minimum, review the training needs and skills gaps of their employees annually based on current or anticipated duties and responsibilities as well as changes in industry practices and technologies. This assessment forms the basis for compiling employee training plans to meet the needs of the FAA.

The FAA evaluates multiple factors when deciding training delivery strategy, but does not object to modern training technologies, which are and have been used extensively in the FAA. Technical courses for recurrent training, especially as they pertain to designees and their FAA counterparts, are conducted wholly online with the exception of a few seminars which were not candidates for conversion to online-based training.

QUESTION 3. I understand there is a significant backlog of Section 333 exemption requests for UAS operators. What can Congress do to help make this process more streamlined—and maybe provide for programmatic approvals for users—without compromising safety? For example, how can FAA benefit from prior applications once the safety case is made for a certain type of operation?

Answer 3: As of March 13, 664 Petitions for Exemption have been received.

Of these, the FAA has issued 45 exemptions, closed out 23 petitions, leaving 596 pending. More come in each day. Process refinements have steadily increased the rate of petition processing through February, striving to match the rate of incoming petitions. Process improvements we have implemented include: establishment of dedicated team to process petitions for exemption under Section 333, eliminating all but critical portions of each response package, addition of staff and contractor resources and leveraging the safety case and prior analyses associated with previously-granted petitions.

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Early petitions often were precedent-setting, requiring publication in the federal register and addressing each of the comments received. The FAA expects to further accelerate processing of 333 exemptions as many of the more recent petitions are seen as substantially similar to earlier granted petitions, reducing the number of needed federal register publication items and allowing for issuance of abbreviated granting documents termed Summary Grants. Issuance of a Programmatic approval would be challenging; issuing an exemption to a group or class of operators would create a general standard amounting to a rulemaking of general applicability.

QUESTIONS FROM HON. ELEANOR HOLMES NORTON

QUESTION 1 re: Unmanned Aircraft: Administrator Huerta, as you know, there are several areas of highly restricted airspace in the United States, including the airspace over the White House and the U.S. Capitol. What measures is the Federal Aviation Administration (FAA) taking to protect this airspace from unauthorized unmanned aircraft?

Answer 1: In order to protect the airspace over the Washington, D.C. area from unauthorized operations by UA, the FAA, in cooperation with our Federal law enforcement and national security partners, has published a comprehensive series of regulatory restrictions that prohibit these types of operations. We regularly review these restrictions to ensure they provide the proper level of support for those agencies charged with defending the airspace over our nation's capital.

QUESTION 2 re: South Capitol Street Heliport: Prior to the terrorist attacks of September 11, 2001, the District of Columbia's South Capitol Street Heliport (SCSH), which serves the city and region, was open to private and government helicopters, including the motion picture industry, local television news stations, the Metropolitan Police Department, and many businesses and government agencies up and down the East Coast. In the critical days after 9/11, SCSH operated as a temporary command center, offering air and water access for first responders in the national capital region. For several years thereafter, the Transportation Security Administration (TSA) allowed a limited number of private helicopter flights into SCSH under a waiver program, whereby helicopter operators were required to report to the Federal Aviation Administration (FAA) and TSA all passengers, crew and security personnel aboard each flight.

However, despite the success of the waiver program at SCSH and SCSH's vital assistance to the government after 9/11, since 2005, the FAA has prohibited private helicopters at SCSH without any explanation or means to appeal, ending the waiver program altogether. In June, I was briefed by the U.S. Capitol Police, U.S. Secret Service, and U.S. Park Police, and I am convinced that officials are capable of developing a system to allow private helicopters to operate at SCSH without posing a threat to the U.S. Capitol and other federal facilities. The Helicopter

Association International and other general aviation entities have drafted a proposal for a pilot program allowing commercial access to SCSH.

Many of the great cities of the world contain precious, priceless facilities. Yet the U.S. alone does not allow commercial helicopter service in its capital. This ban leaves the impression that the FAA and other relevant agencies are unable to develop a way to secure commercial travel.

Administrator Huerta, is the ban permanent? If not, are you willing to bring the relevant agencies together to consider a path to re-establishing commercial helicopter operations at the SCSH?

> **Answer 2:** The FAA is required to support the Department of Defense, the Department of Homeland Security, and law enforcement agencies in the performance of their statutory duties. Over the last several years, the FAA has met on many occasions with representatives from the agencies that briefed you last June on the SCSH issue. During those meetings, some of those agencies repeatedly objected to reopening SCSH to commercial air traffic due to their security concerns. Should these agencies indicate to us that their concerns have been resolved and they are prepared to support reopening SCSH to commercial operations, the FAA is prepared to meet with them to formulate a way forward.

QUESTIONS FROM HON. DANIEL LIPINSKI

QUESTION 1 re: ADS-B Deployment: ADS-B technology has been a source of discussion as we move forward with NextGen. Looking at the upcoming reauthorization and where we want to be with NextGen, I'm wondering if you can provide us with a recap of where things lie with equipage and implementation.

- On the ground side, what has the Federal investment been so far for ADS-B ground infrastructure?
- Where are we in terms of equipage?
- What obstacles are out there for equipage and what should we do to mitigate these obstacles?
- In your opinion, how critical is ADS-B to the future of NextGen?
- What would be the impact of delaying the mandate for equipage?

Answer 1:

1. The Surveillance and Broadcast Services (SBS) program office was baselined in August 2007 for $735 million for the ground infrastructure.

   The FAA's investment in the ADS-B ground infrastructure (including systems engineering and program management support) is approximately $637 Million as of January, 2015.

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The agency was able to deploy 634 ground stations nation-wide, provide air traffic services to 23 en-route centers, 63 terminal centers and one oceanic site. Additionally, ADS-B is providing 35 sites with surface advisory capabilities.

2. As of March 2015 the FAA's avionics monitoring system has reported the information below:

   - Approximately 8,811 US-registered GA aircraft and a total target fleet of 100,000 to 160,000 aircraft. (Note: The agency knows that there are several hundred US-registered GA aircraft that are equipped but using an incorrect ICAO code outside of the US-assigned block. The FAA doesn't count these aircraft until their ICAO code is corrected.)
   - Approximately 267 US-registered air carrier aircraft and a total target total fleet of 5,000 to 6,000 aircraft.

3. The agency recognizes there are challenges with aircraft operators, including airlines, meeting the ADS-B Out Mandate by 2020. Therefore, a working group, Equip 2020, has been set up. The group consists of both FAA personnel and various user and industry groups. Currently, the group has set up the following sub-working groups to address the top challenges. The subgroups are listed below:
   a. Air Carrier Equipage: This working group will coordinate and monitor the equipage of ADS-B Out in the Part 121 and 135 community, tackling issues relevant to availability of avionics equipment and its installation.
   b. General Aviation Equipage: This working group will coordinate and monitor the equipage of ADS-B Out in the General Aviation community, tackling issues relevant to availability of avionics equipment and its installation.
   c. Education and Benefits: This working group will coordinate education and outreach to the community concerning ADS-B Out requirements and benefits. The group may also identify additional benefits that could be implemented for equipped aircraft.
   d. Installation and Approvals: This working group will address all of the issues associated with ensuring efficient and consistent avionics installations and approvals.

4. ADS-B is a key technology in the FAA's plan to transform air traffic control from the current radar-based system to a satellite-based system. ADS-B will enable pilots to see other aircraft in the sky around them, avoid bad weather and terrain, and receive flight information such as temporary flight restrictions. The improved accuracy, integrity, and reliability of satellite signals over radar means controllers will be able to safely apply reduced mandatory separation between aircraft, which is already increasing capacity. ADS-B also provides greater coverage, since ADS-B ground stations are so much easier to place than radar. Aircraft will fly more directly from

Point A to Point B, saving time and money while reducing fuel burn. ADS-B will also reduce the risk of runway incursions because pilots and controllers will be able to see the precise location of aircraft and properly equipped ground vehicles moving on the ground – even at night or during heavy rainfall.

ADS-B is also enabling several airborne applications that will increase safety and capacity.

5. The FAA is working with the aviation community through the Equip 2020 working group to ensure the industry meets the January 2020 mandate. Ground surveillance using ADS-B requires all aircraft in the area to be equipped, and ADS-B In aircraft applications will require the preceding aircraft to be equipped. The 2020 mandate ensures all aircraft will be equipped to enable a reduction in the ground radar infrastructure (secondary surveillance radars) and to incentivize aircraft to equip with ADS-B In since the leading aircraft will always be equipped. An ADS-B Out system also includes a Global Positioning System receiver, so the mandate will achieve near-universal capability to conduct performance-based navigation (PBN) operations and accelerate the transformation of the National Airspace System to satellite-based procedures and systems. A number of aircraft owners and operators have already invested to comply with the rule and would be adversely affected by any delay.

QUESTION 2 re: Redundancies and NextGen IP Systems: The fire at Chicago Center last year exposed the limitations of point-to-point communications for air traffic control. I understand that the services that utilize internet protocol (IP) were back in operation within 72 hours. What NextGen programs will modernize the FAA voice and data communications capabilities with IP based systems and what steps can you take to accelerate NextGen technologies that will add resiliency to the FAA's telecommunications infrastructure?

Answer 2: IP-based services on the FAA's Mission Support (Administrative) network were restored within 48 hours as the associated network equipment was not damaged by fire or water. IP-based services on the FAA's Operational network (supporting air traffic control operations) took longer than 72 hours to restore due to the damaged associated network equipment that had to be replaced. In general, IP-based services were re-established more quickly than legacy analog services because the provisioning and testing processes are more straightforward.

The FAA recognizes that IP-based services are more robust and more easily re-routed. In addition, many commercial telecommunications carriers are planning on phasing out legacy Time Division Multiplexing (TDM) based services in the next ten years. For these reasons, the FAA is moving away from traditional TDM-based services as FAA systems are modernized. The following programs are key to FAA's modernization efforts and will reduce the FAA's dependency on point-to-point telecommunications connections. This list includes both NextGen Programs and legacy Transformational Programs:

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- NAS Voice System (NVS),
- Future Flight Services Program (FFSP),
- Flight and Interfacility ATC Data Interface Modernization (FIADIM),
- Terminal Automation Modernization Replacement (TAMR),
- Surveillance Interface Modernization (SIM),
- Aviation Surface Weather Observation System (ASWON), and
- Remote Monitoring and Logging System (RMLS).

Accelerating the deployment of NextGen technologies to improve the resiliency of the FAA's telecommunications infrastructure will require additional funding to support the modernization of the FAA systems to IP-based technology. The funding will enable the FAA to begin the engineering, testing, and implementation required at a system level to convert to IP technology.

QUESTION 3 re: Recycled Material Usage: What can we do to build off the recycling initiatives in the FAA Modernization and Reform Act of 2012? For background, my interest comes from the fact that Illinois has been a leader in using recycled materials in paving projects. In Chicago specifically, we use recycled asphalt shingles or RAS as a binder for road projects and recently used it in a runway project at O'Hare International Airport.

- Given the benefits of green materials for the environment and the potential for cost-savings and job creation, do you anticipate allowing or incentivizing other airports to use similar materials in their projects moving forward?
- How can the FAA champion the use of such materials?
- Do you envision the FAA recommending the use of green materials, other than RAS, in airport projects?

Answer 3:

1. The FAA anticipates additional uses for recycled asphalt pavement (RAP) and recycled asphalt shingles (RAS) on airports.
   - Upon the completion of testing at the National Airport Pavement & Materials Research Center (NAPMRC) of Hot Mix Asphalt mix designs incorporating RAS we will be in a position to recommend how the FAA specifications for Hot Mix Asphalt should be modified to facilitate the use of RAP and RAS on airports without impacting the durability of pavement or safe operation of aircraft.
   - Materials that meet FAA standard specifications are eligible for funds under the Airport Improvement Program.
2. New paving materials and additives are being developed on a regular basis. Before these materials can be placed in airport pavements, proper characterization of these materials is needed to study their performance under different environmental conditions. In addition to advanced material characterization, FAA is conducting research on new sustainable and eco-friendly pavement materials.

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- Having FAA standard specifications that include the use of recycled materials is the best way to initiate more use of recycled materials in airport pavements.
- The current FAA material specifications allow for the use of up to 30% Recycled Asphalt Pavement (RAP) in Hot Mix Asphalt (HMA) for use on shoulders, base and subbase at airports; this encourages airports to reuse materials when possible. Additional research is underway at National Airport Pavement & Material Research Center (NAPMRC) on RAP. The research will evaluate if there are any opportunities to incorporate more recycled materials in HMA, or incorporate RAP into Warm Mix Asphalt.
- The FAA intends to continue to study the use of new materials and techniques at our Airport Pavement Test Facility. Because of the differences between aircraft traffic and highway traffic it is imperative that research be done considering the demands of aircraft traffic to insure durable safe pavement materials prior to widespread applications of new methods and materials.
- In addition to considering recycled asphalt materials, the FAA has material specifications for the use of recycled concrete aggregate base, which is created from existing Portland Cement Concrete Pavement. As many of the old concrete runways are rehabilitated and/or reconstructed we will continue to encourage where possible the reuse of existing pavement materials on the airport.
- The FAA will continue to encourage airports to construct projects in the most cost effective manner while striving to reuse existing pavement materials as practicable.

3. Upon completion of on-going research, the FAA will be developing standard specifications for new materials that are eco-friendly and sustainable.
   - The FAA currently has research underway investigating the use of recycled material and construction concepts. Some of the items being researched now and in the future include:
     - Warm Mix Asphalt, including incorporating RAP and RAS
     - Recycled Asphalt in stabilized bases
     - Recycled Asphalt in unbound bases and subbases
     - Full Depth and Partial depth reclamation of Hot Mix Asphalt Pavements
   - The result of the research will be material standards, mix designs, and lab testing protocols for these materials and processes, from which standard FAA specifications can be modified and/or developed.
   - We encourage airports to use sustainable construction practices to extend airport pavement service life and minimize the amount of new materials needed.
   - Sustainable construction also includes the reuse/recycling of existing pavement materials when it results in durable pavement that provides for the safe operation of aircraft.
   - In addition, Section 133 of the FAA Modernization and Reform Act added a provision requiring airports that have or plan to prepare a master plan, and that

receive Airport Improvement Program (AIP) grant funding for an eligible project, to ensure that the new or updated master plan addresses issues relating to solid waste recycling. This includes municipal solid waste, and construction and demolition debris.

- In support of this provision, FAA prepared a synthesis document of recycling programs at airports in 2013. The synthesis document is for airports that are considering an expansion of their recycling efforts. It provides lessons learned and case studies from airports with recycling programs. The synthesis is available at http://www.faa.gov/airports/resources/publications/reports/environmental/media/RecyclingSynthesis2013.pdf.
- The FAA also issued technical guidance on recycling plans in 2014 and made recycling plans eligible for AIP grants-in-aid. The guidance provides information on evaluating the feasibility of airport solid waste recycling, minimizing solid waste generation, operation and maintenance requirements, review of waste management contracts, and the potential for cost savings or the generation of revenue. The document is available at http://www.faa.gov/airports/environmental/media/airport-recycling-reuse-waste-reduction-plans-guidance.pdf.

QUESTION 4 re: CLEEN II Solicitations and Program Expansion: The FAA has recently solicited proposals for CLEEN II projects with demonstrated environmental benefits. As you know, CLEEN II is an extension of the existing Continuous Lower Energy, Emissions, & Noise (CLEEN) program which has been very successful in accelerating the development of aircraft technologies designed to reduce aviation's environmental impact. There are a number of innovative concepts that are going to be considered, including an effort to reduce emissions at the airport by using electric motors powered by the auxiliary power unit rather than the main engines for taxiing operations. The industry is seriously considering how best to move the program forward and want to know if the FAA has examined this concept and its many benefits?

Answer 4: The FAA's CLEEN program is committed to advancing aircraft technologies that will help mitigate aviation's impact on the environment in the areas of fuel burn, noise, and emissions. The CLEEN Program Office is actively tracking new technologies in the aviation industry and their potential environmental benefits.

Currently, the FAA source selection team is reviewing the technical and cost proposals relative to the CLEEN II solicitation's objectives. Under 48 C.F.R. § 3.104-1-11, the Procurement Integrity Act, the FAA is prohibited from releasing source selection and contractor bid or proposal information.

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QUESTIONS FROM HON. ANDRÉ CARSON

QUESTION 1 re: FAA Hiring Processes: Recently, the FAA made changes to its hiring process that increase the importance of the "Biographical Assessment" and appear to diminish the benefit of attending a Collegiate Training Initiative, such as the one in Indiana at Purdue University. Prior to the recent changes, these aviation grads – who had invested time and money to develop this much-needed skill-set – had a better chance of being hired by the FAA. Please provide an answer to the following:

a. Is it the FAA's intent to reduce the hiring of aviation professionals from Collegiate Training Programs?
b. What is the intent of the Biographical Assessment and how is it weighted against other factors, such as graduation from a Collegiate Training Program?
c. How many graduates from Collegiate Training Programs fail to pass the Biographical Assessment?
d. Can you provide the scoring metrics used for the assessment along with information regarding the efficacy of this test as a tool for identifying potential new hires?

Answer 1a: No. The FAA implemented initial revisions to the Air Traffic Control Specialist (ATCS) hiring process in February 2014. The new process and competition was fair and open to all U.S. citizens who chose to apply. Graduates and/or applicants with a Collegiate Training Institution (CTI) background represented nearly 50% of the 1591 hired from the February 2014 ATCS announcement.

FAA's goal in implementing the interim hiring process was to ensure the Agency selects applicants with the highest probability of success in completing our rigorous air traffic controller training program and achieving final certification as an ATCS. The Agency's training program is the primary method for ensuring we employ highly-trained controllers committed to maintaining the highest safety standards in support of the National Airspace System.

Answer 1b: The Biographical Assessment (BA) was professionally developed and validated based upon years of extensive research of the ATCS occupation in accordance with relevant professional standards and legal guidelines for pre-employment selection testing. Its questions are designed to measure past events and behaviors validated as predictors of success as an Air Traffic Control Specialist. The questions cover a multitude of applicant attributes such as their education, academic achievement, aviation related experience and achievement orientation.

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Answer 1c: The following table represents the BA pass rate for the February 2014 public announcement

Status		Total Applicants	Passing Applicants	Percent Passing
Non-CTI Experience		22,508	837	3.72%
CTI Experience		5,966	754	12.64%
	CTI Graduates	4,092	569	13.91%
	Applicants with some CTI Coursework	1,874	185	9.87%

Answer 1d: The Biographical Assessment was scored using an automated process based on predefined question weighting. Unlike skills tests that have questions with unique correct or incorrect answers, questions on the Biographical Assessment were pre-assigned weight according to how well they predict a candidate successfully reaching full certification at a facility.

We have received questions about the scoring of the Biographical Assessment along with requests for individual scores and the score needed to pass the assessment. Disclosure of the Biographical Assessment items and the basis for scoring and weighting given to each question would diminish the validity and utility of the instrument for the selection of persons into the ATCS occupation. The release of this information would materially and negatively impact the Agency's interest in the selection of persons most likely to succeed in the occupation and undercut years of research that have been conducted on these items. Disclosure of the basis for scoring and weighting would enable future test takers to artificially inflate their scores on the instrument, thereby giving them an unfair advantage in competing for a job under merit principles.

While we are unable to share the specifics of the question weighting or individual scores, we can share that the minimal passing score for the Biographical Assessment was based on the professionally developed test-validation study and is set to predict that 84 percent of the applicants who passed the Biographical Assessment would be expected to successfully complete the FAA Academy and achieve Certified Professional Controller (CPC) status.

QUESTION 2 re: Disadvantaged Small Business Participation: One of the requirements of the 2012 FAA Modernization and Reform Act was to assess the participation of small and disadvantaged businesses with DoT and FAA programs. In 2013, the Department of Transportation's Office of Inspector General (OIG) released a report, "Weaknesses in the Department's Disadvantaged Business Enterprise Program Limit Achievement of its

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Objectives." This report outlined a number of recommendations for improving the efficacy of this program, including that:

a. The Office of the Secretary should:
   i. Develop comprehensive guidance and best practices for DBE program implementation by involving DBE stakeholders from all levels. The guidance should provide direction for conducting certification processes, certification reviews, and on-site project reviews.
   ii. Formally assign one Department office the responsibility and accountability for integrating and managing the DBE program.
b. The accountable DBE lead program office or the Office of the Secretary should:
   i. Develop program performance measures to regularly assess the DBE program and evaluate whether it is achieving its objectives;
   ii. Establish a centralized Departmental data system for collecting and tracking DBE commitment and award information and require that the Operating Administrations implement procedures to ensure that recipients are accurately reporting DBE award and other financial information.
   iii. Maintain the Department's DBE Web site to ensure it contains current information and includes accurate DBE program contact information;
   iv. Develop an oversight and compliance plan with the Operating Administrations to identify specific, required oversight processes and reviews and ensure that a sufficient number of reviews are performed based on assessed risk;
   v. Require that recipients track and regularly report utilization data to the Operating Administrations, including each DBE's number of years in the program and the number of DBE subcontracts or prime contracts received since first becoming certified; and
   vi. Require that the Operating Administrations work with recipients to develop ways to improve utilization rates and require the establishment of Business Development Programs for firms that have not received DBE work for several years.

Please provide a response outlining the current status and measures that have been taken to address these recommendations of the OIG. Furthermore, do you believe that a full implementation of these recommendations will allow the agency to meet the intent of the 2012 FAA Modernization and Reform Act? If not, do you have any recommendations on how to improve participation, either through executive action or proposed legislative remedies?

Answer 2: The OIG's April 23, 2013, audit report, "Weaknesses in the Department's Disadvantaged Business Enterprise Program Limit Achievement of its Objectives" contained eight recommendations. The Department has made strides to respond to the report and has successfully achieved closure or resolution on several recommendations:

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Rec. 1: Develop comprehensive guidance and best practices for DBE program implementation by involving DBE stakeholders from all levels. The guidance should provide direction for conducting certification processes, certification reviews, and on-site project reviews.

The DOT has an existing body of guidance on many key aspects of the DBE program, including those mentioned above. Comprehensive guidance for the program (the Regulation, preambles, and official question and answer documents) were incorporated from the Office of Small Disadvantaged Business Utilization (OSDBU) website to the DBE program's website, maintained by the Departmental Office of Civil Rights. All official guidance is placed on this site, as well as any updates that occur. DOT continues to issue official question and answer guidance, e.g., suspension and debarment and interstate certification guidance. Another form of guidance is training. DOT announced and posted pre-recorded webinar trainings on our site and links to Operating Administration (OA) trainings. DOT also has posted a nine-module certification training series online that is accessible to all. We continue to collaborate to build additional trainings such as a final rule recorded webinar released in conjunction with issuance of the November 2014 rule. (Recommendation 1 is Closed.)

Rec. 2: Formally assign one Department office the responsibility and accountability for integrating and managing the DBE program.

In February 2014, Secretary Foxx issued DOT Order 4220.1, "Disadvantaged Business Enterprise Program Coordination and Oversight," that specifies the roles, relationships and functions among the Departmental offices leading the DBE program and the Operating Administrations (OAs) that are overseeing its implementation by recipients. The Order reconfirms that the Secretary and Deputy Secretary are accountable for the Department's overall implementation and oversight of the DBE program. In addition, it clarifies the leadership roles and responsibilities of the various offices and OAs within the Department responsible for supporting and overseeing the implementation of the DBE program.

The Departmental Office of Civil Rights (DOCR) acts as the lead office in the Office of the Secretary (OST) for the DBE program. Other offices include additional elements from OST, the Office of the General Counsel (OGC) and the Office of Small Disadvantaged Business Utilization (OSDBU), as well as the three OAs distributing financial assistance to DOT, FAA, FHWA, and FTA recipients. The OAs will continue to be the first points of contact, and will be primarily responsible for overseeing and enforcing the day-to-day administration of the program by recipients. The Order also establishes a framework for coordination, overall policy development, and program oversight among these offices. All OST offices and OA offices involved in DBE program

operation and oversight share responsibility for ensuring nondiscrimination in the award and administration of DOT's federally assisted contracts. These offices engage in systematic coordination to ensure (1) the DBE program is administered properly, (2) all regulatory provisions are appropriately implemented by DOT recipients, and (3) information about the program and its operation is communicated by the Department in a consistent, unified way to all parties and stakeholders. (Recommendation 2 is Closed.)

Rec. 3: Develop program performance measures to regularly assess the DBE program and evaluate whether it is achieving its objectives.

Appropriate performance measures and corresponding performance indicators that are tied to each of the program's stated objectives have been set forth. DOT articulated metrics for each measure, the OA responsibilities, and how DOCR will monitor these metrics. The OIG is reviewing DOCR's evaluation process for determining whether the OA's are meeting the program's regulatory objectives. (Recommendation 3 is Resolved/Open.)

Rec. 4: Establish a centralized Departmental data system for collecting and tracking DBE commitment and award information and require that the Operating Administrations implement procedures to ensure that recipients are accurately reporting DBE award and other financial information.

DBE prime and subcontract activity is tracked by recipients and reported to each OA. DOCR streamlined and developed a centralized data system for collecting and tracking DBE Uniform Report information on DBE commitment, award, and payment data. DOCR established quality control/quality assurance procedures to ensure, to the extent possible, the accuracy of the information reported. A computer based system is in place and is the central repository for all OAs to upload uniform reports. Based on our actions, DOT believes it has met the intent of the recommendation and requested OIG to close the recommendation. (Recommendation 4 is Resolved/Open.)

Rec. 5: Maintain the Department's DBE website to ensure it contains current information and includes accurate DBE program contact information.

DOT updated its DBE website and re-organized it in a user friendly manner. For example, the question and answer guidance documents have been organized by subject matter. Webpage maintenance is an ongoing activity and we review the information every six months to ensure it remains up to date. (Recommendation 5 is closed.)

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QUESTION 3 re: UAS Rule Enforcement: In regards to the proposed rules that the FAA released for small UAS, I remain concerned about a near future in which small, cheap UAS are readily available for both commercial and non-commercial uses. As outlined, the rules would ensure that:

- The operator would have to be at least 17 years old, pass an aeronautical knowledge test and obtain an FAA UAS operator certificate. To maintain certification, the operator would have to pass the FAA knowledge tests every 24 months.
- A small UAS operator must always see and avoid manned aircraft. If there is a risk of collision, the UAS operator must be the first to maneuver away.
- The operator must discontinue the flight when continuing would pose a hazard to other aircraft, people or property.
- A small UAS operator must assess weather conditions, airspace restrictions and the location of people to lessen risks if he or she loses control of the UAS.
- A small UAS may not fly over people, except those directly involved with the flight.
- Flights should be limited to 500 feet altitude and no faster than 100 mph.
- Operators must stay out of airport flight paths and restricted airspace areas, and obey any FAA Temporary Flight Restrictions (TFRs).
- Operators must not operate in a careless or reckless manner and bar an operator from allowing any object to be dropped from the UAS.
- Operators would be responsible for ensuring an aircraft is safe before flying, but the FAA is not proposing that small UAS comply with current agency airworthiness standards or aircraft certification. For example, an operator would have to perform a preflight inspection that includes checking the communications link between the control station and the UAS.

Do you have adequate authorities and personnel to enforce and ensure compliance with these rules? How will penalties be imposed on dangerous operators? Do you believe there are sufficient penalties for irresponsible users who fail to follow these proposed rules? How will individuals or government agencies be able to identify and respond to UAS being operated contrary to the rules? In the event of an accident, how will a person be able to identify the responsible party? Is there a need for legislative action to ensure you can fulfill this new mission area?

Answer 3: The FAA has a number of personnel who assist with compliance with current rules and regulations. We focus resources on those operators and situations which present the highest risk to the National Airspace System and to people and property on the ground.

The FAA's approach for addressing unauthorized or unsafe hobby or recreational UAS operations is twofold: (1) to focus on public education and to encourage operators to follow safety guidelines and (2) when warranted to take enforcement action against

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anyone who operates carelessly or recklessly. The FAA has partnered with several industry associations to promote Know Before You Fly (KBYF), an outreach campaign designed to educate the public about using unmanned aircraft safely and responsibly. In addition, we produced two YouTube videos which reinforce our safety messaging and have been widely viewed, including one that reminded UAS/model aircraft operators that flights over the Super Bowl were prohibited and that the Super Bowl stadium was a "No Drone Zone."

While education is our preferred approach in light of evolving UAS regulatory structure and technological developments, the FAA retains the authority to and will take enforcement action against anyone who either carelessly or recklessly operates hobby or recreational UAS or commercially operates UAS in violation of currently applicable regulations. We are working with local law enforcement agencies to equip them to respond appropriately to such occurrences. Guidance from the FAA has been distributed directly to law enforcement partners and is publicly available on the FAA website.

QUESTION 4 re: Regulatory Training: In response to Section 313 of the FAA Modernization and Reform Act of 2012, the FAA established the Consistency of Regulatory Interpretation Aviation Rulemaking Committee to address root causes of inconsistent interpretation of regulations. This group established six recommendations:

a. developing a single master source for guidance organized by Title 14 of the Code of Federal Regulations (which covers commercial aviation);
b. developing instructions for FAA staff with policy development responsibilities; reviewing FAA and industry training priorities and curriculums;
c. setting up a board to provide clarification to industry and FAA on regulatory compliance issues;
d. improving the clarity in final rules issued by FAA; and
e. creating a communications center to act as a central clearinghouse to assist FAA staff with queries about interpretation of regulations.

I understand that this work is schedule to be complete by July 2015. Please provide a current status on the implementation of these recommendations. To the extent that these recommendations have been implemented, have you found that they have helped clarify regulatory interpretation and improved communications industry? Is there a need for further legislative action in this area?

Answer 4: The ARC submitted its report to the FAA on November 28, 2013. Two of the six recommendations have been closed with the concurrence of the ARC members:

- Improve Rulemaking Procedures to Achieve Greater Clarity in Final Rules Issued by the FAA.

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- Establish a full-time Regulatory Operations Communications Center (ROCC) as a centralized support center to provide real-time guidance to FAA personnel and industry certificate/approval holders and applicants.

The ARC's primary recommendation was to "Develop a Single Master Source for Guidance Organized by 14 CFR Part." To support this recommendation, the FAA is developing the Dynamic Regulatory System (DRS). The DRS will allow easy access to Flight Standards Service (AFS) and Aircraft Certification Service (AIR) information for both internal and external stakeholders and simplify document searches. The DRS proof of concept was approved in January 2015. We are identifying the requirements necessary to develop the system.

AFS and AIR are reviewing, validating, and canceling outdated guidance documents. In December 2013, AFS issued the Cancellation of Non-Official Guidance Documents Memo. This memo stated that all guidance documents not housed in the Flight Standards Information Management System, the Regulatory Guidance Library (RGL), or on www.faa.gov would be cancelled, or incorporated into these electronic repositories. AFS is compiling a list of Advisory Circulars (ACs) and Orders to be canceled. AIR is validating the versions of its documents in the RGL, ensuring that current guidance documents are marked appropriately and are easy to access via a publically available search function.

The ARC recommended that the FAA establish a Regulatory Consistency Communications Board (RCCB), to provide a neutral and centralized mechanism for addressing and resolving regulatory compliance issues, and allow FAA personnel and operators a mechanism for reviewing questions that have already been asked and answered. RCCB processes are under development as are responses to the remaining open recommendations made by the ARC.

The FAA is working with industry to ensure they are aware of our activities. To keep them fully apprised of our progress in addressing their recommendations, we have posted the implementation plan online. The implementation plan includes measures of effectiveness to help evaluate how well our response addressed the recommendation. Completion dates on activities described in the implementation plan extend past July 2015. The plan will be updated every six months.

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