



U.S. Department
of Transportation

**Federal Aviation
Administration**

Office of the Administrator

800 Independence Ave., S.W.
Washington, D.C. 20591

November 6, 2014

The Honorable Nick J. Rahall, II
Committee on Transportation
and Infrastructure
House of Representatives
Washington, DC 20515

Dear Congressman Rahall:

As requested in Section 806 of the FAA Modernization and Reform Act of 2012, Pub. L. No. 112-95, Secretary Foxx and I are pleased to provide you with the Federal Aviation Administration's (FAA) report on the consolidation or elimination of obsolete, redundant, or otherwise unnecessary reports. This report responds to the requirement to submit a report to Congress containing:

- 1) a list of obsolete, redundant, or otherwise unnecessary reports the FAA is required by law to submit to Congress or publish that the Administrator recommends eliminating or consolidating with other reports; and
- 2) an estimate of the cost savings that would result from the elimination or consolidation of those reports.

We appreciate the Section 806 provision as it has given us the opportunity to recommend an approach that will provide better targeted, useful, and cost-effective information to both the Congress and the public on the operations of the FAA.

Identical letters have been sent to Chairmen Rockefeller and Shuster and Senator Thune.

Sincerely,

Michael P. Huerta
Administrator

Enclosure



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November 6, 2014

The Honorable John D. Rockefeller, IV
Chairman, Committee on Commerce, Science
and Transportation
United States Senate
Washington, DC 20510

Dear Mr. Chairman:

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Identical letters have been sent to Chairman Shuster, Senator Thune, and Congressman Rahall.

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Michael P. Huerta
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The Honorable Bill Shuster
Chairman, Committee on Transportation
and Infrastructure
House of Representatives
Washington, DC 20515

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November 6, 2014

The Honorable John R. Thune
Committee on Commerce, Science
and Transportation
United States Senate
Washington, DC 20510

Dear Senator Thune:

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Identical letters have been sent to Chairmen Rockefeller and Shuster and Congressman Rahall.

Sincerely,

Michael P. Huerta
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Federal Aviation Administration

Report on Obsolete, Redundant or Otherwise Unnecessary Reports

Pursuant to FAA Modernization and Reform Act of 2012,
Pub. L. 112-95, Section 806



2014

Executive Summary

On February 14, 2012, the FAA Modernization and Reform Act of 2012 (P.L. 112-95) was signed into law. Section 806 required the Federal Aviation Administration (FAA) to provide:

“Not later than 2 years after the date of enactment of this Act, and every 2 years thereafter, the Administrator of the FAA shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report containing— (1) a list of obsolete, redundant, or otherwise unnecessary reports the Administration is required by law to submit to Congress or publish that the Administrator recommends eliminating or consolidating with other reports; and (2) an estimate of the cost savings that would result from the elimination or consolidation of those reports.”

P.L. 112-95 requires the FAA to submit 60 reports to Congress. Many of these reports help outline FAA goals and priorities, provide transparency in the FAA, and facilitate oversight by Congress, the public, and other stakeholders.

With a constrained budget and many reports that appear to be duplicative or no longer necessary, the FAA has included recommendations below to consolidate or eliminate a number of reports. We appreciate this congressional request in Section 806 as it has given us the opportunity to recommend an approach that will provide better targeted, useful, and cost effective information to both the Congress and the public on the operations of the FAA.

Recommended Reports to Eliminate, Pursuant to Section 806

The following reports have been identified as obsolete, redundant, or have elements which are unnecessary.

Redundant Reports

Title 49 U.S.C. Section 45303(d), P.L. 104-264 (1996) Administrative provisions: FAA is required to provide to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a list of fee collections by the Administration during the preceding fiscal year and a list of activities by the Administration during the preceding fiscal year that were supported by fee expenditures and appropriations. This section also requires the FAA to provide budget plans for significant programs, projects, and activities of the Administration, including out-year funding estimates, any proposed disposition of surplus fees by the Administration; and such other information as those committees consider necessary.

Recommendation: FAA notes that most of the information requested in Section 45303(d) is included in the Agency's annual budget submission to Congress. Section 45303(d), accordingly, is obsolete, and FAA recommends eliminating this report.

Title 49 U.S.C. Section 44506(e), P.L. 103-272 (1994) Air traffic controllers: This section requires FAA to submit an annual report to the Committee on Public Works and Transportation of the House of Representatives (now the House Transportation & Infrastructure Committee) and the Committee on Commerce, Science, and Transportation of the Senate a report containing: (1) the staffing standards used to determine the number of air traffic controllers needed to operate the air traffic control system of the United States; (2) a 3-year projection of the number of controllers needed to be employed to operate the system to meet the standards; and (3) a detailed plan for employing the controllers, including projected budget requests.

Recommendation: FAA notes there are redundant requirements to publish reports about controller staffing. Section 44506(e) (pursuant to P.L. 103-272) and Section 44506 *note* (added by Section 221 of P.L. 108-176 (2003)) each have requirements for controller staffing plans. FAA is therefore proposing to sunset the requirement in Section 44506(e) of P.L. 103-272 because this reporting requirement dates back to 1993 and the requirement in Section 44506 *note* under P.L. 108-176 (updated by Public Law 111-117 (2009)) is more current and specific about FAA's strategy to address anticipated retirement and replacement of air traffic controllers.

Section 606, P.L. 112-95 Safety critical staffing: This section requires FAA to submit, not later than January 1 each year, to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate, the staffing model for aviation safety inspectors developed pursuant to the National Academy of Sciences study entitled "Staffing Standards for Aviation Safety Inspectors."

Recommendation: Section 606 of P.L. 112-95 is redundant. FAA publishes the Aviation Safety Workforce Plan in March of every year as required by the Consolidated Appropriations Act of 2010 (P.L. 111-117). This existing annual report includes total number of staff, estimated staff

losses, and planned hires for the entire safety staff as well as for the Flight Standards and Aircraft Certification Offices. FAA therefore recommends not publishing the report required by Section 606 of P.L. 112-095 since the information is already captured in the annual Aviation Safety Workforce Plan in March of each year.

If FAA were to modify the existing reporting schedule in order to meet a January reporting deadline (per P.L. 112-95), changes would need to be made to the existing staffing and processes used to develop this report and FAA does not believe that the change is warranted. The Aviation Safety organization would continue to seek input from the exclusive bargaining representative for aviation safety inspectors even after Section 606b report is deleted, as it implements its staffing model.

Section 202, P.L. 111-216 (2010) Secretary of Transportation responses to safety

recommendations: This section of the “Airline Safety and Federal Aviation Administration Extension Act of 2010,” requires the Secretary of Transportation to annually submit a report to Congress and the National Transportation Safety Board (NTSB) on recommendations made by the Board to the Secretary regarding air carrier operations conducted under Part 121 of title 14, Code of Federal Regulations.

Recommendation: This report is a duplication of efforts. The FAA and the NTSB already have an open dialogue on the NTSB’s 400¹ open safety recommendations. The FAA responds annually in writing to the NTSB’s recommendations. In turn the NTSB usually responds, in writing, within 6 months of the FAA’s letter. Both the FAA and NTSB letters are posted on the NTSB Web site for public display, providing almost a real time display. The subject report consumes a substantial amount of hours to produce and coordinate. During this lengthy coordination effort, the information in the report often becomes obsolete as communication between the FAA and the NTSB continues beyond the report’s publication.

In addition, as part of the Department of Transportation’s Status of Actions Addressing the Safety Issue Areas on the NTSB’s Most Wanted List, the FAA prepares an annual update on the areas specifically highlighted by the NTSB. The Most Wanted List issue areas address a majority of the recommendations related to Part 121 air carrier operations.

Section 726, P.L. 106-181 (2000) Standards for aircraft and aircraft engines to reduce noise

levels: This section requires the Secretary of Transportation to work through the International Civil Aviation Organization to develop new performance standards for aircraft and aircraft engines that will lead to a further reduction in aircraft noise levels. This section also requires the Secretary to transmit annually to Congress a report regarding the application of new standards or technologies to reduce aircraft noise levels.

Recommendation: We recommend that the reporting requirement be eliminated as obsolete. The subject noise standards have been studied and updated since the time that provision was put into place.

¹ Approximately 400 open NTSB Safety Recommendations as of December 2013.

Section 909, P.L. 112-95 Interagency research on aviation and the environment: This section authorizes the FAA, in consultation with other agencies, to “maintain a research program to assess the potential effect of aviation activities on the environment and, if warranted, to evaluate approaches to address any such effect.” The plan shall contain an inventory of current interagency research being undertaken in this area, future research objectives, proposed tasks, milestones, and a 5-year budgetary profile. The plan shall be submitted to Congress and updated, as appropriate, every 3 years after the initial report submission. The FAA provided a response to Congress on January 31, 2013, to comply with the requirements of Section 909.

Recommendation: The Section 909 report on integrating environment and energy research, submitted every 3 years, is duplicative. The FAA proposes to consolidate its response to this requirement with the ongoing Agency efforts on the National Research and Development Plan and NARP. In developing this initial response, the Agency recognized that this requirement is duplicative with ongoing FAA efforts. The Aeronautics Science and Technology Subcommittee of the Committee on Technology of the National Science and Technology Council created a National Aeronautics Research and Development Plan that includes research on aviation and the environment and this plan is revised every 5 years. Information that is required in the Section 909 Report is also included in the annual National Aviation Research Plan (NARP).

Section 806, P.L. 112-95 Consolidation or elimination of obsolete, redundant, or otherwise unnecessary reports; use of electronic media format: This section requires FAA to identify a list of obsolete, redundant, or otherwise unnecessary reports the Administration is required by law to submit to Congress or publish that the FAA Administrator recommends eliminating or consolidating with other reports. This section also requires FAA to provide an estimate of the cost savings that would result from the elimination or consolidation of these reports. The FAA is required to submit this report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives 2 years after enactment of P.L. 112-95 and every 2 years thereafter.

Recommendation: The review under the requirements of Section 806, P.L. 112-95, identified another reporting requirement for duplicative and outdated reports; Section 1125 of the Government Performance and Results Act (GPRA) Modernization Act of 2010, P.L. 111-352. Although the U.S. Department of Transportation responded to this requirement and offered twenty reports for elimination, FAA did not participate in this review. In lieu of the GPRA report, FAA is proposing reports for elimination in the Section 806 report for the current review.

Section 806 has been effective in identifying obsolete and redundant reports and has resulted in congressional action to make more efficient use of FAA resources. However, the valuable reviews required under Section 806 could be continued solely under the requirements of Section 1125 of the GPRA Modernization Act of 2010, or vice versa, thereby eliminating the need for redundant reporting under both requirements and resulting in more efficient use of agency resources. The FAA recommends the elimination of the reporting requirement in Section 806, P.L. 112-95.

Section 709, P.L. 108-176 (2003) Air Transportation System Joint Planning and Development Office: Section 709 requires the Joint Planning and Development Office (JPDO) to develop an integrated plan to “ensure that the Next Generation Air Transportation System meets air transportation safety, security, mobility, efficiency, and capacity needs beyond those currently included in the Federal Aviation Administration’s operational evolution plan...” The FAA Administrator is also required to transmit to the Committee on Commerce, Science, and Transportation in the Senate and the Committee on Transportation and Infrastructure and the Committee on Science in the House of Representatives annually at the time of the President’s budget request a report describing the progress in carrying out the integrated plan and any changes to that plan.

Recommendation: The report required by Section 709 is duplicative. The information captured in this report is now contained in the Annual Progress Report, which contains updates to the NextGen Integrated Work Plan (Section 209 P.L. 112-95). Contents of that report include: “(A) a copy of the updated integrated work plan; (B) a description of the progress made in carrying out the integrated work plan and any changes in that plan, including any changes based on funding shortfalls and limitations set by the Office of Management and Budget; (C) a detailed description of the success or failure of each item of the integrated work plan for the previous year and relevant information as to why any milestone was not met and the impact of not meeting the milestone and what actions will be taken in the future to account for the failure to complete the milestone; (D) an explanation of any change to future years in the integrated work plan and the reasons for such change; and (E) an identification of the levels of funding for each agency participating in the integrated work plan devoted to programs and activities under the plan for the previous fiscal year and in the President’s budget request.” Additionally, the NextGen Implementation Plan, which FAA publishes annually, contains the required elements of the Section 709 report. FAA recommends deleting the report required in Section 709.

It should be noted that the Fiscal Year 2014 Consolidated Appropriations Act shifts funding for the Joint Planning & Development Office from the Research, Engineering & Development budget to the Operations budget with JPDO now funded under the NextGen office. Impacts will be addressed in the 2014 Annual Partner Agency Progress Report.

Estimated Cost Savings/Cost Avoidance from Eliminating Obsolete, Redundant or otherwise unnecessary Reports

Eliminating the need to develop obsolete, redundant, or otherwise unnecessary reports will save the FAA time and money. The requirement to develop a separate, unique report redundant with other published reports can cost as much as \$250,000 per report because of the staff resources needed to compile information and draft the report, followed by several months of time to coordinate the report across FAA lines of business and staff offices and executive management, the Office of the Secretary in the U.S. Department of Transportation, as well as the Office of Management and Budget.