



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

Washington, DC 20515

Bill Shuster
Chairman

Peter A. DeFazio
Ranking Member

Christopher P. Bertram, Staff Director

May 17, 2016

Katherine W. Dedrick, Democratic Staff Director

Dear Colleague:

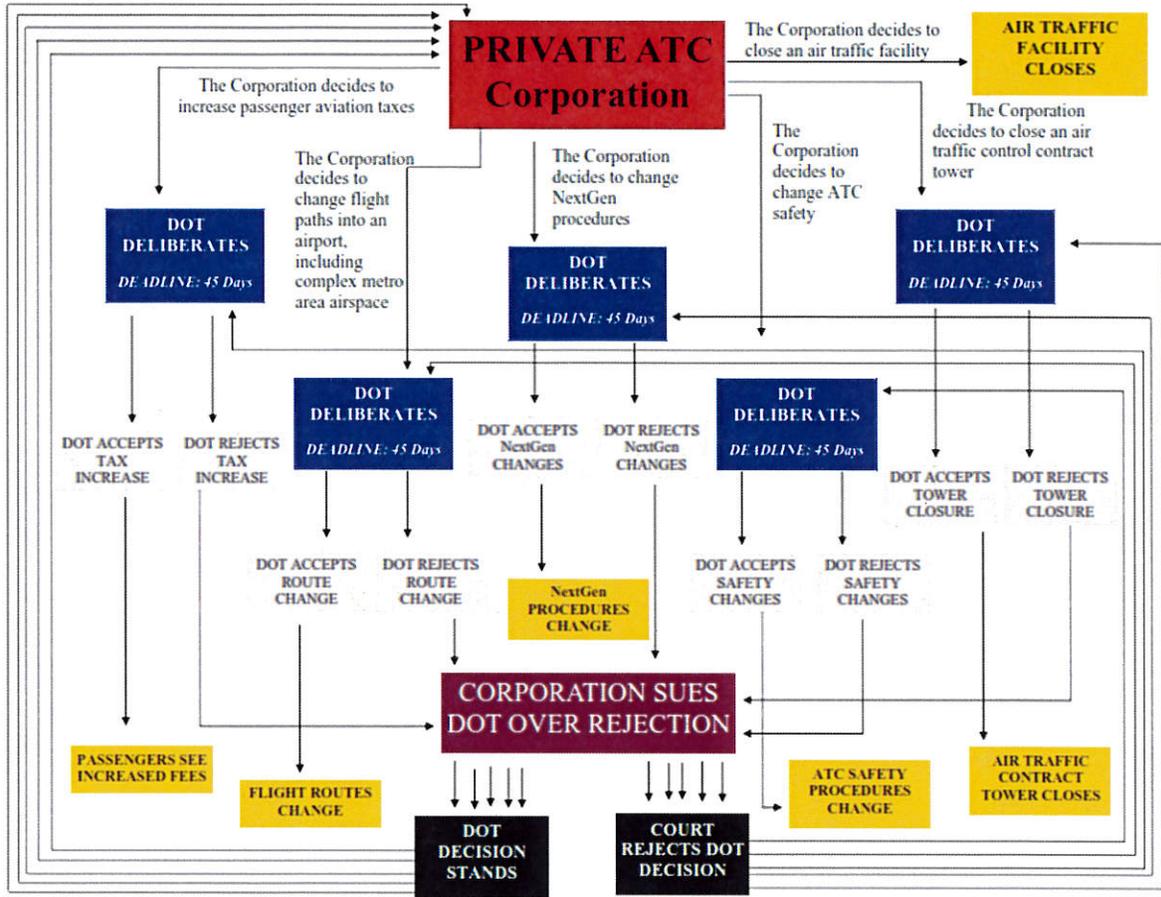
What air traveler *doesn't* want faster, more direct flights from point A to point B, fewer weather delays, and more options to access the busiest and most productive aviation system in the world?

The Federal Aviation Administration (FAA) has made progress in updating the air traffic control (ATC) system to take greater advantage of the Global Positioning System and realize those benefits. But there's always room for improvement, and we and most aviation stakeholders agree that the FAA's modernization programs – collectively known as “NextGen” – must remain a top priority and receive stable, predictable funding. As numerous Government Accountability Office and Department of Transportation Inspector General reports have found, cost-effective, quicker NextGen implementation depends on clear, transparent, accountable processes.

However, H.R. 4441, the “Aviation Innovation, Reform, and Reauthorization Act of 2016” (AIRR Act), privatizes the Federal ATC system and devolves it into the control of special interests. The handful of supporters of the AIRR Act's controversial privatization scheme think it will somehow speed up NextGen by allowing a private corporation (“ATC Corporation”) to make all the important decisions about the Nation's airspace: changes to flight paths of arrivals and departures at airports, changes to high-altitude routes, changes to ATC procedures, even closures of ATC facilities.

But there's one big problem: the U.S. Constitution. The Supreme Court and the U.S. Courts of Appeals have repeatedly determined that Congress cannot delegate certain powers, such as setting tax rates or user fees or promulgating rules, to private entities. Faced with this enormous Constitutional hurdle, the AIRR Act creates byzantine workarounds for the Secretary of Transportation to review and approve or disapprove the private corporation's decisions – all in the vague hopes of passing Constitutional muster. And many of these critical decisions are expected to be challenged in court, causing uncertainty and delay.

Does this look to you like a streamlined structure that will deliver NextGen benefits more quickly?



What you see is what you get with the H.R. 4441 ATC privatization plan. The plan fails to streamline NextGen implementation and instead creates a never-ending cycle of dysfunction, administrative process, and litigation between the ATC Corporation, the U.S. Department of Transportation, and the courts.

A vote for H.R. 4441 would be a vote to *delay* NextGen implementation and its many benefits, such as less noise for the people who live near airports and lower fuel costs for aircraft operators. **H.R. 4441 will turn NextGen into "NeverGen"**.

We urge you to oppose H.R. 4441, which already has attracted strong bipartisan opposition. Please contact us or Alex Burkett, Democratic Counsel for the Subcommittee on Aviation (ext. 5-9161), should you have any questions. Thank you for your consideration.

Sincerely,


 PETER DeFAZIO
 Ranking Member


 RICK LARSEN
 Ranking Member
 Subcommittee on Aviation