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FEDERAL AVIATION ADMINISTRATION

Issues Related to FAA Reform

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GAO/T-RCED-95-247

Mr. Chairman and Members of the Subcommittee:

We appreciate the opportunity to provide our views on the need for reforms at the Federal Aviation Administration (FAA) as the agency positions itself for the 21st Century. This subcommittee and others are debating the merits of several reform proposals for FAA. These include granting the agency additional authorities under its current structure and creating a new organizational structure for federal aviation functions--including an independent agency outside of the Department of Transportation and establishing a public or private air traffic control (ATC) corporation. All of the proposals would, to varying degrees, exempt FAA or its successor from federal procurement and personnel rules and seek to ensure a sufficient and predictable flow of funds for aviation programs.

The impetus behind the current set of reform proposals lies in the frustration with the slow pace of FAA's program to modernize the ATC system and concern that the effort to reduce the federal budget deficit will constrain spending for aviation. Proposals to create a new organizational structure raise a number of issues. Our testimony today focuses on three key areas: ATC modernization, funding, and organizational structure. It is based on our many years of reviewing FAA's programs and activities and prior reports and testimonies. (See app. II for a listing of relevant reports and testimonies.)

The following is our summary:

-- FAA and others have attributed the schedule delays and cost overruns with the ATC modernization program to burdensome federal procurement rules. Exempting FAA from procurement rules may result in a somewhat more expeditious acquisition process. However, those looking for dramatic, immediate changes in the modernization program will likely be disappointed. Our work over the past decade has shown that the schedule and cost problems are not caused primarily by the procurement rules but rather by such factors as underestimating the technical complexity of the systems being developed, especially when extensive software development is involved, and inadequate FAA oversight of contractors. Another factor is the frequent turnover of FAA's top managers, including the Administrator. This lack of continuity has allowed the agency's bureaucracy to focus on short-term improvements, avoid accountability, and resist fundamental changes.

-- Whether or not an ATC corporation or independent FAA is established, a predictable and sufficient flow of funds will be required to meet aviation's needs. In recent years, the Congress has made available for FAA's use substantially all user tax revenues (receipts and interest) flowing into the Airport and Airway Trust Fund and more than $2 billion annually from the Treasury's General Fund. Nevertheless,

there is widespread concern in the aviation community that this trend will cease--resulting in unmet aviation needs and a large cash buildup in the Trust Fund--as efforts to curb the deficit intensify in the years ahead. Under the congressional budget agreement for government-wide spending, FAA projects that its funding would decline by 19 percent over the next 7 years. To ensure predictable and sufficient funding for aviation, the administration's proposal for an ATC corporation and one of the independent-FAA proposals seek some exemptions from the Budget Enforcement Act. One exemption would allow the corporation or independent agency to spend revenues from user taxes without competing for funding with other federal programs under the discretionary outlay caps. It is unlikely, however, that this would solve the funding problem, because user tax revenues currently cover only 75 percent of FAA's budget. A question for the future is the appropriate mix of General Fund versus user-financed revenues.

-- Various issues merit scrutiny when considering proposals to create a new organizational structure for federal aviation functions. If an ATC corporation is established or FAA is removed from the Department of Transportation, it is important to consider the future role of the Department in linking aviation with the other modes of transportation and balancing aviation interests with competing interests such as community concerns about noise mitigation. If an ATC corporation is created--thereby separating the air traffic control and safety oversight functions of FAA--it would be important to clarify how responsibilities between the two organizations would be divided and how disputes would be resolved in the time-sensitive ATC environment. Proposals to establish a private ATC corporation raise certain unique issues. These include (1) how to guard against the possibility that a private ATC corporation would charge monopolistic fees or restrict services; and (2) to what extent the Department of Defense (DOD)--which both provides and receives ATC services--would pay for the corporation's services. Finally, it would also be necessary to address how a public or private ATC corporation would treat small airports and general aviation, whose financial contributions to the system today are proportionately less than the value of services they receive.

FAA HAS FACED DIFFICULTIES IN BRINGING NEW ATC TECHNOLOGY ON-LINE

Because FAA's program to modernize the ATC system has progressed much slower than expected, the system's users, FAA, and others have called for a relaxation of procurement rules at FAA. The critical challenge facing FAA in its procurements is bringing up-to-date ATC technology on-line without further delay and within budget.

Schedule Delays and Cost Growth Have Hindered the ATC Modernization Program

Over the past 6 years, we have chronicled FAA's difficulties. For nine major systems that we have tracked in our annual status reports, the average delay was almost 5 years behind the original milestones. The total cost of the nine major projects, compared to the original estimates, has increased from $2.66 billion to $4.05 billion. For example, the project to provide a voice communications system for controllers--the Voice Switching and Control System--has increased by $1.19 billion, or 511 percent when measured on a per-unit basis. A system to integrate terminal weather data--the Integrated Terminal Weather System--increased by $112 million or 129 percent.[1]

The slow pace of ATC modernization is reflected in the fact that while smaller projects have been completed, most major acquisitions--such as the replacement of automation and communications equipment--are ongoing. As we recently reported, some 64 projects totaling $3.8 billion, or only about 10 percent of the modernization program's $37 billion overall cost,[2] have been completed, and 158 other projects remain.

The most visible example of FAA's modernization difficulties is the effort to replace automation equipment in ATC facilities across the nation. The long-time centerpiece of the modernization program and the most costly project--the Advanced Automation System (AAS)--was restructured last year after costs skyrocketed to $7.6 billion from the original $2.5 billion estimate in 1983, and schedule delays for key components were up to 8 years behind the original schedule. The impact of delays has been significant: long-awaited safety and efficiency benefits have been postponed, costly interim projects have been started to sustain existing equipment, and FAA's credibility has been eroded.

A Complex Set of Factors Have Contributed to FAA's Difficulties

FAA and others link schedule and cost problems with ATC modernization to the agency's required compliance with federal procurement rules. By allowing FAA to develop its own procurement system, exempt from many federal laws and regulations, legislative proposals now under consideration aim to prevent future schedule and cost problems and accelerate the modernization program. The

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[1]The schedule and cost data for these systems are detailed in Air Traffic Control: Status of FAA's Modernization Program (GAO/RCED-95-175FS, May 26, 1995), pp. 39 and 41 and in app. I of this statement.

[2]Program costs cover 1982 through 2003.

intent of these bills would be to give FAA the flexibility to design a less cumbersome procurement process.

Undoubtedly, the procurement process can be simplified and shortened. However, those looking for dramatic, immediate changes in FAA's modernization program as a result of exemptions from procurement rules will likely be disappointed. Our work over the past decade does not support the conclusion that procurement rules were a major cause of FAA's cost and schedule problems. Instead, we found that modernization delays were largely caused by other factors, such as underestimating the technical complexity of system development efforts--especially those involving extensive software development--and inadequate FAA oversight of contractor performance. Other factors include weaknesses in the analysis of mission need, difficulties in resolving requirements issues, inadequate operational testing, and the lack of available sites for the installation of equipment.

Another factor is the lack of top management continuity. During the modernization program's first 10 years, FAA had seven Administrators and acting Administrators. Furthermore, since 1982, the average tenure for the Administrator has been less than 2 years. FAA has also experienced a high turnover rate for its most senior acquisition executive, who is charged with overseeing acquisition policy and program execution. Since 1990, five people have held that position.[3]

Although it is difficult to measure the effect of the turnover, the combination of the instability at the administrator level and in the senior acquisition position has resulted in the tendency of the agency's bureaucracy to focus on short-term improvements, avoid accountability, and resist fundamental changes. At recent hearings, several former Administrators agreed that the complexity of the program required them to spend many months trying to get a handle on the modernization program but, regrettably, by the time they had attained this understanding, they were leaving the job.

We and others have recognized that a fixed term for the Administrator is one means of ensuring continuity and enhancing the success of FAA's missions. Our work on personnel issues shows that term appointments (whatever their length) appear to encourage incumbents to stay throughout the term, whereas political appointees, in nonterm appointments at the cabinet level, leave in less than 2 years. We are encouraged that although the various legislative proposals under consideration are taking somewhat

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[3]Under the reorganization announced late last year, FAA eliminated the position of Executive Director for Acquisition and Safety Oversight. The Associate Administrator for Research and Acquisitions is now designated as the senior acquisition executive.

different approaches to address the management stability concern, all recognize its importance.

Opportunities Exist for Significant Change

Our work and FAA's own internal studies have identified opportunities for the agency to improve its acquisition process and limit the recurrence of cost and schedule problems.

-- We have urged FAA to follow the common sense, businesslike principles that are outlined in its own acquisition policy. For example, the policy requires mission analysis to justify the need for capital investments. The agency did not adhere to these principles during the early stages of modernization, but we have seen a greater emphasis on mission analysis in recent years.

-- Because rapid advances in technology have resulted in commercially available automated ATC equipment, FAA program offices have begun trying to increase the use of off-the-shelf, nondevelopmental equipment. Such equipment reduces the amount of development by FAA and presumably will speed up implementation. For example, the Standard Terminal Automation Replacement System (STARS)--a new program resulting from the restructuring of AAS--intends to make maximum usage of industry-developed off-the-shelf software systems and components.

-- FAA has produced a business plan for its Research and Acquisition organization and established integrated product teams. Key purposes of these actions include (1) involving customers and suppliers through all phases of the acquisition process, (2) improving coordination among the organizational units, and (3) focusing management's attention on contractor performance indicators.

FUNDING AND GOVERNANCE ISSUES ARE CRITICAL IN DEBATE OVER FAA REFORM

We would like to highlight several funding and governance issues that are central to the debate over the need for reform as FAA positions itself for the 21st Century. The funding issue is significant whether FAA's ATC function is split off into a public or private corporation or whether the agency is kept intact within or outside of the Department of Transportation. The future role of the Department becomes important if a government or private ATC corporation or independent agency is established.

Concern Raised About Future Unmet Aviation Needs and Buildup of Cash Because of Funding Limitations

Currently, 75 percent of FAA's programs and activities are

funded by aviation user tax revenues through the Airport and Airway Trust Fund.[4] The remaining 25 percent is appropriated from the Treasury's General Fund. A review of FAA's funding history shows that in recent years, the Congress has (1) annually made available to FAA substantially all Trust Fund revenues, (2) begun to draw down the Trust Fund's balance, and (3) provided more than $2 billion annually from the Treasury's General Fund to finance FAA's activities. (See table 1 for a summary of FAA's appropriation and the Trust Fund's revenues.)

Table 1: FAA Appropriations and Trust Fund Revenues, 1986-95

Dollars in billions

Fiscal year	FAA approp.	General Fund approp.	Trust Fund approp.	Trust Fund revenues (receipts plus interest)	Trust Fund ending uncommitted balance
1986	$4.8	$2.4	$2.4	$3.6	$4.3
1987	5.0	2.4	2.6	3.9	5.6
1988	5.7	2.4	3.4	4.1	5.8
1989	6.4	3.0	3.4	4.7	6.9
1990	7.1	3.0	4.1	4.9	7.4
1991	8.1	2.0	6.1	6.2	7.7
1992	8.9	2.3	6.6	5.9	6.9
1993	8.9	2.3	6.6	6.1	4.3
1994	8.6	2.3	6.3	6.0	3.7
1995 (est.)	8.3	2.1	6.2	6.4	3.0

Note: Totals may not add because of rounding.
Source: FAA

Despite the recent funding history, there is widespread concern in the aviation community that this trend will cease--resulting in unmet aviation needs and a cash buildup in the Trust Fund--as efforts to curb the federal budget deficit intensify.

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[4]The Airport and Airway Trust Fund finances the agency's facilities and equipment, airport improvement grants, and research and development activities and about half of the agency's operations.

Responding to that concern, the proposal for an ATC corporation and one of the independent FAA proposals include some exemptions from the budget controls of the Budget Enforcement Act. According to these proposals, exemption from the act would allow the corporation or independent agency to spend revenues from user fees without competing for funding with other federal programs under the discretionary outlay caps. Without the exemption, the cash buildup could reach more than $15 billion by 2006, according to the administration's projections for the ATC corporation proposal.

Opinions regarding the best course of action differ. Some contend that FAA's needs for a predictable and sufficient source of funds cannot be achieved under the current budget process. They argue that the requirement to reduce the federal budget deficit will create downward pressure on aviation funding, despite projected increases in revenues flowing into the Airport and Airway Trust Fund. As evidence, they point to the recent congressional budget agreement that provides government-wide funding targets for the next 7 years (fiscal years 1996-2002). Although these targets are not agency or program specific, FAA officials have prorated the agency's share of the projected funding. They project that the agency's funding would decline by 19 percent over the 7-year period, while the use of ATC services by commercial and general aviation would increase substantially. While the Congress, of course, has latitude under the budget agreement to allocate funds to aviation and other modes of transportation, the funding targets do highlight the possibility of future reductions in funding for FAA programs.

Others contend that over the years, FAA has received adequate funding and the Congress can be expected to continue attaching a high priority to meeting aviation funding needs. They argue that changes to the budget status of aviation funding would limit Congress' ability to make trade-offs among programs. Also, GAO has reported that exempting any one type of spending from Budget Enforcement Act's controls makes it likely that such spending would increase over time.[5] Unless spending in other areas was reduced by the same amount, the result would be a higher deficit. Another argument is that even with this exemption for aviation funding, it is likely that some General Fund contribution will be needed in the future to fully fund FAA's programs, so the Congress will still face difficult choices in allocating scarce funds to aviation versus other transportation modes. The General Fund currently covers about 25 percent of FAA's budget. Recognizing the significance of changes to the budget status of aviation funding, the Speaker of the House of Representatives is chairing a task force in an attempt to reach a consensus on the issue of

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[5]Letter to the Honorable Frank R. Wolf, Chairman, Subcommittee on Transportation, Committee on Appropriations, U.S. House of Representatives (GAO/AIMD-95-95R, Mar. 15, 1995).

transportation funding.

Governance Issues Merit Scrutiny

Proposals to create a new organizational structure for federal aviation functions raise a variety of governance issues. If an ATC corporation is established or if FAA is removed from the Department of Transportation, we believe that it is important to consider the Department's future role.

The debate surrounding the decision almost 30 years ago to place FAA within the Department centered on the Congress's desire for a unified transportation entity that would foster integrated planning and policy-making among the modes. The Department is currently developing a National Transportation System plan that would integrate all modes of transportation. The civilian use of satellite navigation technology is one example where integrated planning across the modes is critical. While the Department's progress in integrating transportation planning and policy-making may be subject to debate, we believe it is important to consider how the Department would perform this role if aviation is removed through the creation of an ATC corporation or an independent agency.

It is also important to consider the Department's role in balancing the interests of the transportation modes against competing interests. For example, on issues such as aircraft noise, community interests and aviation interests sometimes collide. While FAA may consider local citizens' concerns about noise in its decisions about flight paths, FAA's decisions may be biased towards the agency's mission of promoting aviation. Communities can now appeal such decisions to the Department. If FAA is removed from the Department, the question arises as to whether a mechanism--short of congressional action--would be needed to balance aviation and competing interests.

Proposals for creating an independent FAA maintain the agency's broad safety mandate, while proposals for dividing the ATC and safety oversight functions of FAA represent a fundamental change in how safety will be ensured. We have noted that it is unclear how a division of responsibilities would operate in practice when disputes between the corporation and the remaining FAA must be resolved.[6] Areas of potential conflict include the establishment of standards for ATC equipment. Higher standards often result in increased costs, and FAA and an ATC corporation may draw quite different conclusions about cost and safety trade-offs. It would, of course, be important not to create ambiguity and lengthy conflict in the time-sensitive ATC environment. The

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[6]Air Traffic Control: Issues Presented By Proposal to Create a Government Corporation (GAO/t-RCED-95-114, Feb. 23, 1995).

independent FAA proposal avoids such complications.

Finally, in addition to concerns about splitting the safety and ATC functions, proposals to establish a private ATC corporation raise certain unique issues. One such issue is the extent to which the government would regulate the prices and services of an ATC corporation. Both a government and private ATC corporation could wield monopoly power. In the case of government ownership, the ATC corporation proposal gives the Secretary of Transportation authority to disapprove user fees in cases where such fees are judged unreasonable. If a private ATC corporation is created, the question would be whether a similar mechanism would be needed to guard against the possibility of unreasonable fees and restricted services to certain users. Another issue relates to financial considerations for the military's provision and use of ATC services. Under the present system, the Department of Defense controls some U.S. airspace and receives ATC services from FAA, all without direct compensation or charges. The Treasury's General Fund contribution to FAA's programs is seen, in part, as payment for DOD's usage. If a private ATC corporation is created, the Congress would need to address the issue of DOD payments for the corporation's services.

Another aspect of the provision of service relates to the question of how small airports and general aviation would be treated under a government- or privately-owned ATC corporation. Under the present ATC system, FAA serves a diverse clientele and makes decisions about siting equipment and providing services by balancing safety, efficiency, cost, and other considerations. A corporation, fashioned to operate like a business, would be less likely to see the incentive for accommodating or increasing service to the ATC system's users, such as general aviation, whose financial contributions to the system are proportionately less than the value of the services they receive. For example, a corporation charged with operating as a business would likely emphasize economic considerations when deciding on the placement of landing systems and control towers. An important issue facing the Congress will be to what extent an ATC corporation can accommodate smaller stakeholders' needs for services and equipment without increasing their financial contribution to prohibitively high levels.

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Mr. Chairman, this concludes our statement. We will be happy to answer any questions that you or members of the Subcommittee may have.

SCHEDULE AND COST DATA FOR AIR TRAFFIC CONTROL SYSTEMS

Table I.1: Changes in Implementation Milestones for Nine Major FAA Projects

	First-site implementation			Last-site implementation		
Project	Year		Years delayed	Year		Years delayed
	Original estimate	1995 estimate	Original estimate to 1995	Original estimate	1995 estimate	Original estimate to 1995
ADL	1993	1995	2	1998	1999	1
ARSR-4	1988	1995	7	1991	1997	6
ASDE-3	1987	1993	6	1990	1999	9
AWOS	1986	1989	4	1990	1997	7
FSAS	1984	1991	7	1989	1995	6[a]
ITWS	1999	2000	1	2000	2001	1
Mode S	1988	1994	6	1993	1996	3
TDWR	1992	1994	2	1998	[b]	N/A
VSCS	1989	1995	6	1992	1997	5[c]

Legend
ADL = Aeronautical Data Link.
ARSR-4 = Air Route Surveillance Radar.
ASDE-3 = Airport Surface Detection Equipment.
AWOS = Aviation Weather Observing System.
FSAS = Flight Service Automation System.
ITWS = Integrated Terminal Weather System.
Mode S = Mode Select.
TDWR = Terminal Doppler Weather Radar.
VSCS = Voice Switching and Control System.

[a]For comparison purposes, schedule reflects original FSAS project only. Schedule for replacement projects currently included in FSAS such as OASIS/NextGen is not reflected in the table.

[b]Current last-site implementation date is indefinite.

[c]For comparison purposes, schedule reflects first phase of project, when systems are scheduled to be installed in existing en-route controller workstation. Schedule for second phase of project, when system will interface with new en-route systems, is not reflected in table.

COST AND REQUIREMENT CHANGES

We developed unit costs for nine of the major projects that we reviewed. Since the original estimates, FAA changed quantity requirements for seven of these nine projects. To compare current estimated costs with initial cost estimates, we calculated unit costs for both periods. Specifically, we divided both original and current costs by the number of units--radars, sites, or facilities--scheduled to be produced or served. As table I.2 shows, the estimated unit costs increased for eight of the nine systems that we compared. The table also shows that facilities and equipment (F&E) costs for these nine projects increased by $1.397 billion from $2.657 billion to $4.053 billion.

Table I.2: Changes in Cost for Nine Major Projects
Dollars in millions

Project	Date of original cost estimate	Original F&E costs	Original planned units	Original F&E unit cost	Current F&E costs	Current planned units	Current F&E unit cost	Percentage change in unit cost
ADL	1991	$247.0	24 DLPs/ 57 TDLS	$3.049	$221.3	24 DLPs/ 57 TDLS	$2.732	-10
ARSR-4	1983	425.8	48 radars	8.870	399.7	40 radars	9.992	13
ASDE-3	1983	83.2	21 radars	3.961	247.3	40 radars	6.182	56
AWOS	1983	160.7	700 units	0.229	255.3	737 units	0.346	51
FSAS	1983	305.1	61 stations	5.001	394.2[a]	61 stations	6.462	29
ITWS	1993	138.9	47 systems	2.955	250.7	37 systems	6.775	129
Mode S	1983	487.2	197 systems	2.473	450.9	137 systems[b]	3.291	33
TDWR	1986	550.0	102 radars	5.392	380.9	47 radars	8.104	50
VSCS	1983	258.6	25 units	10.344	1452.9	23 units	63.169	511
TOTALS		$2,656.5			$4,053.2			

[a]For comparison purposes, costs reflect original FSAS project only. Costs for replacement project, which includes OASIS/Next Generation FSAS, are not included.

[b]Eleven additional Mode S units have been purchased under the Interim Support Plan project.

RELATED GAO PRODUCTS

National Airspace System: Assessment of FAA's Efforts to Augment the Global Positioning System (GAO/T-RCED-95-219, June 8, 1995).

Air Traffic Control: Status of FAA's Modernization Program (GAO/RCED-95-175FS, May 26, 1995).

National Airspace System: Comprehensive FAA Plan for Global Positioning System Is Needed (GAO/RCED-95-26, May 10, 1995).

Air Traffic Control: Analysis of Proposal to Create a Government Corporation (GAO/T-RCED-95-139, Mar. 15, 1995).

FAA Budget: Issues Related to the Fiscal Year 1996 Request (GAO/T-RCED/AIMD-95-131, Mar. 13, 1995).

Air Traffic Control: Issues Presented by Proposal to Create a Government Corporation (GAO/T-RCED-95-114, Feb. 23, 1995).

Air Traffic Control: Management Attention Needed for Future Investment Decisions (GAO/T-RCED-94-195, Apr. 24, 1994).

Air Traffic Control: Agency Faces Key Management Challenges on Major Issues (GAO/T-RCED-94-191, Apr. 19, 1994).

Air Traffic Control: Status of FAA's Modernization Program (GAO/RCED-94-167FS, Apr. 15, 1994).

Advanced Automation System: Implications of Problems and Recent Changes (GAO/T-RCED-94-188, Apr. 13, 1994).

Transportation Safety: Opportunities for Enhancing Safety Across Modes (GAO/T-RCED-94-120, Feb. 10, 1994).

FAA Reauthorization: Opportunity Exists to Address Safety, Capacity, and Efficiency Issues (GAO/T-RCED-93-75, Sept. 28, 1993).

Air Traffic Control: Improvements Needed in FAA's Management of Acquisitions (GAO/T-RCED-93-36, May 5, 1993).

FAA Budget: Important Challenges Affecting Aviation Safety, Capacity, and Efficiency (GAO/T-RCED-93-33, Apr. 26, 1993).

Air Traffic Control: Uncertainties and Challenges Face FAA's Advanced Automation System (GAO/T-RCED-93-20, Apr. 19, 1993).

Air Traffic Control: Status of FAA's Modernization Program (GAO/RCED-93-121FS, Apr. 16, 1993).

Air Traffic Control: Advanced Automation System Problems Need to Be Addressed (GAO/T-RCED-93-15, Mar. 10, 1993).

Air Traffic Control: Justifications for Capital Investments Need Strengthening (GAO/RCED-93-55, Jan. 14, 1993).

Air Traffic Control: Advanced Automation System Still Vulnerable to Cost and Schedule Problems (GAO/RCED-92-264, Sept. 18, 1992).

FAA Budget: Key Issues Need to Be Addressed (GAO/T-RCED-92-51, Apr. 6, 1992).

Air Traffic Control: Challenges Facing FAA's Modernization Program (GAO/T-RCED-92-34, Mar. 3, 1992).

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