Congress of the United States

Washington, DC 20515

February 14, 2025

The Honorable Sean Duffy
Secretary
U.S. Department of Transportation
1200 New Jersey Ave, SE
Washington, DC 20590

Dear Secretary Duffy:

In the wake of the tragic midair collision near Reagan National Airport, we must do everything we can to support the National Transportation Safety Board's (NTSB) investigation and work together to address the root causes of the accident. While it may take well over a year to fully understand the causes of that accident, the Department of Transportation (DOT) and the Federal Aviation Administration (FAA) have the opportunity to act **now** to ensure safer skies for the American public. Last year, Congress passed the 2024 FAA Reauthorization, which prescribed a five-year roadmap for how the Administration should strengthen aviation safety, including by accelerating the hiring of air traffic controllers, updating our aging air traffic control (ATC) systems, and increasing runway safety, among many other safety reforms. We urge you to immediately prioritize the swift implementation of the law's safety programs to help prevent future devastating accidents.

More than 45,000 flights carrying 2.9 million airline passengers move across our airspace every day.[1] The exponential growth of air travel demand and emergence of new entrants have contributed to an increasingly complex National Airspace System (NAS). Additionally, the independent NAS Safety Review Team—which was created in 2023 after a worrying trend of close calls among commercial aircraft—found that understaffing of safety critical roles at the FAA, ranging from air traffic controllers, aviation safety inspectors and technical operations specialists, "places additional strain on the [national airspace] system, further eroding the margin of safety and increasing risk."[2] For our aviation ecosystem to provide the safe and efficient air travel experience that the flying public deserves, the FAA must ensure there are federal personnel at the ready to meet this mission. The 2024 FAA Reauthorization recognizes the essential roles these aviation professionals play in keeping our skies safe by requiring the FAA to annually hire the maximum number of controllers from the agency's ATC training academy and to modernize staffing models for controllers, aviation safety inspectors and other safety critical positions within the agency to meet the evolving needs of the NAS.[3]

Furthermore, the FAA's safety mission depends on numerous complex ATC systems to provide navigation and surveillance services. However, many of the FAA's air traffic facilities and equipment are several decades old, and their degrading condition not only creates

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[1] FAA, *Air Traffic By The Numbers*, (Sept. 2024), *available at:* https://www.faa.gov/air_traffic/by_the_numbers.

[2] National Airspace System Safety Review Team, *Discussion and Recommendations To Address Risk in the National Airspace System*, Federal Aviation Administration, (Nov. 2023), *available at:* https://www.faa.gov/NAS_safety_review_team_report.pdf.

[3] *FAA Reauthorization Act of 2024*, Pub. L. No. 118-63, § 437, 430, 431.

inefficiencies, but also jeopardizes the reliable operation of U.S. airspace.[4] For instance, last year the FAA found that of its 138 systems, 51 are unsustainable and 54 are potentially unsustainable.[5] According to the Government Accountability Office, "58 of these systems have critical operational impacts on the safety and efficiency of the NAS," with some ATC system modernization projects not expected to be complete for at least a decade.[6] This issue is compounded by inadequate budget requests over several administrations for the FAA's facilities and equipment, which has led to increasing uncertainty and unexpected cost overruns.[7] As evidenced by the recent outage of the FAA's NOTAM system—the second occurrence in only two years—our aviation system can no longer rely on antiquated safety critical systems.[8]

The 2024 FAA Reauthorization provides clear direction for expediting improvements to the nation's aging ATC systems by requiring the FAA to conduct an audit of all legacy systems of the NAS to determine the operational risk, functionality and security of these systems. It also requires the FAA to develop a plan to accelerate the replacement of any legacy system identified as outdated, insufficient, unsafe, or unstable.[9]

Meanwhile, Congress also set forth a clear path to address runway collisions and near misses. U.S. airports have experienced a troubling series of these events over the last few years, including recent incidents at both Boston Logan Airport and Chicago O'Hare Airport where passenger aircraft clipped one another.[10] Following thorough engagement with aviation stakeholders, Congress required the FAA to establish the Runway Safety Council to develop new strategies to address airport surface safety risks. The law also requires the FAA to identify and deploy airport surface surveillance technologies to all large and medium hub airports and for the agency to conduct a review of existing systems to assess how legacy technologies can be improved. [11] [12]

We believe intense focus by the DOT and FAA in carrying out these reforms would be among the most effective actions you could currently take to help make our skies safer and protect the flying public. We implore you not to get bogged down by unnecessary and speculative distractions at such a crucial moment. For instance, the Administration should avoid any proposals which risk negatively impacting aviation safety personnel and critical activities at the FAA. The FAA has the most skilled and proficient aerospace workforce in the world and any actions that threaten this workforce will only introduce unnecessary risk and consequences into the NAS. Furthermore, we oppose any attempts to privatize, corporatize or otherwise rescind authority from the FAA to effectively manage our ATC system. Our nation's airspace is the most

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[4] *Supra* note *2.*

[5] GAO, GAO-24-107001, *Air Traffic Control: FAA Actions are Urgently Needed to Modernize Aging Systems*, (Sept. 23, 2024), *available at:* https://www.gao.gov/products/gao-24-107001.

[6] *Id.*

[7] *Supra* note *2.*

[8] Jessie Yeung & Chris Boyette, *Critical FAA warning system restored after outage*, CNN (Feb. *2, 2025), available at:* https://www.cnn.com/2025/02/02/travel/notam-system-outage-flight-delays/index.html.

[9] *FAA Reauthorization Act of 2024*, Pub. L. No. 118-63, §622.

[10] *See* Maggie Green, *American Airlines flight's wing clips United Airlines plane on taxiway at O'Hare airport: FAA*, ABC7 (Jan. 8, 2025), *available at:* https://abc7chicago.com/post/united-american-airlines-planes-collide-taxiway-chicago-ohare-airport-faa/15778159/.; Neal Riley, *American, Frontier planes clip wings at Logan Airport in Boston*, CBS News (Nov. 25, 2024), *available at: https://www.cbsnews.com/boston/news/logan-airport-planes-clip-wings-boston/*

[11] *FAA Reauthorization Act of 2024*, Pub. L. No. 118-63, §347.

[12] *FAA Reauthorization Act of 2024*, Pub. L. No. 118-63, §617.

complex in the world and should only be managed by those with the requisite expertise and training, and who are accountable to the public.

Through the 2024 FAA Reauthorization, Congress gave a definitive mandate to the Executive Branch on how to advance U.S. aviation and improve safety. Among its many reforms, the law directs the agency to bolster the ranks of its safety workforce, expedite the replacement of aging ATC legacy systems, and promote the deployment of advanced runway safety technologies. To support American aviation safety, ingenuity, and leadership, the path forward is simple and clear—swiftly implement the law as written.

We look forward to working with you to make our skies safer for the traveling public.

Sincerely,

Rick Larsen
Ranking Member
Committee on Transportation
and Infrastructure

Steve Cohen
Member of Congress
Ranking Member,
Subcommittee on Aviation

Nellie Pou
Member of Congress

Eleanor Holmes Norton
Member of Congress

Jerrold Nadler
Member of Congress

John Garamendi
Member of Congress

Henry C. "Hank" Johnson, Jr.
Member of Congress

Andre Carson
Member of Congress

Dina Titus
Member of Congress

Jared Huffman
Member of Congress

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Member of Congress

Mark DeSaulnier
Member of Congress

Salud Carbajal
Member of Congress

Greg Stanton
Member of Congress

Sharice L. Davids
Member of Congress

Jésús G. "Chuy" García
Member of Congress

Chris Pappas
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Seth Moulton
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Marilyn Strickland
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Patrick Ryan
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Val Hoyle
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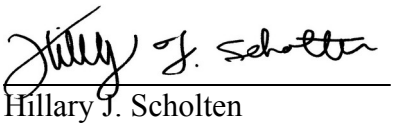
Emilia Strong Sykes
Member of Congress



Hillary J. Scholten
Member of Congress

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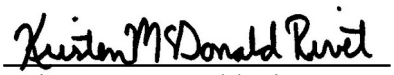
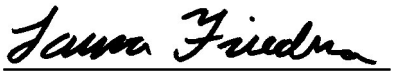
Member of Congress

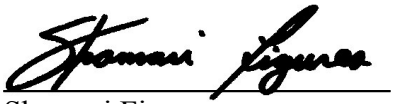


Kristen McDonald Rivet
Member of Congress



Laura Friedman
Member of Congress

Laura A. Gillen
Member of Congress



Shomari Figures
Member of Congress

cc: The Honorable Chris Rocheleau, Acting Administrator, Federal Aviation Administration