

United States Senate
WASHINGTON, DC 20510

May 19, 2004

The Honorable Marion Blakey
Federal Aviation Administration
800 Independence Ave., S.W.
Washington, DC 20591

Dear Administrator Blakey:

We are writing to express serious concern over the inability of the Federal Aviation Administration (FAA) to reach a voluntary agreement with the National Air Traffic Controllers Association (NATCA) and Professional Airways Systems Specialists (PASS), who represent over 60 percent of FAA employees, and the associated request that Congress now resolve this matter. It is our strong belief that involving Congress in these matters will be counterproductive for all parties in the long run.

We understand that rather than continuing to work towards reaching a voluntary agreement with NATCA and PASS, the FAA has determined it has reached an impasse in its negotiations with both organizations and has already sent the NATCA impasse to Congress to be resolved. Many of the issues over which the parties are at impasse -- including child care subsidies, flexible spending accounts, liability insurance, new pay systems and pay levels, educational expenses, career level definitions, and promotions -- deal with fundamental terms of employment. In fact, the FAA has already agreed upon many of the matters in dispute in collective bargaining agreements with other bargaining units. The morale of your workers and the agency's overall performance are threatened if employees are treated differently and if these matters are not resolved through a voluntary agreement.

Regarding the FAA and NATCA Collective Bargaining Impasse Submission that was recently delivered to Congress, it is our understanding that there is a question as to whether or not this matter should be addressed by the Federal Service Impasses Panel (FSIP). In fact, in its January 9, 2004, decision, the FSIP states that questions exist in respect to its jurisdiction -- questions that "must be addressed in an appropriate forum before the Panel commits its resources to assist the parties in resolving the merits of their impasse." As a result of that decision, the matter was brought to an appropriate forum and a lawsuit has been filed by NATCA and PASS in U.S. District Court.

Since the matter is now the subject of pending litigation, with the main question being whether or not the subject is properly before Congress, we encourage the FAA to retract its submission and await a resolution by the court of the underlying issue. Additionally, we urge you

to continue working with union representatives to reach a successful conclusion to these labor negotiations.

We appreciate your prompt consideration of these requests.

Sincerely,

Harry Reid Robert A. Mikulski [Signature]

[Signature] Richard Durbin Frank R. Lautenberg

[Signature] Samuel N. Levin Jack Reed

[Signature] [Signature] [Signature]

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