

Statement from Congressional Progressive Caucus Chair Rep. Pramila Jayapal (WA-07)
COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE
MEMBER DAY HEARING
April 14, 2023

Chairman Graves and Ranking Member Larsen:

On behalf of the Congressional Progressive Caucus, I thank you for extending the opportunity to members of Congress to provide input on policy priorities for the reauthorization of the Federal Aviation Administration. Among the legislative goals critical to advance in the FAA reauthorization, I am pleased to share a non-exhaustive list of key priorities for the over 100 members of our caucus:

Include the Good Jobs for Good Airports Act (H.R. 1499), which would establish a minimum wage and benefit standard for airport service workers at large, medium, and small hub airports. It would also:

- Extend prevailing wage requirements to federal investments in airport infrastructure for airport service workers, similar to the prevailing wage requirements that have long been required under the Davis-Bacon Act and related acts for federally-funded infrastructure construction projects.
- Require commercial airport recipients of federal assistance to certify they will ensure the airport service workers at that airport are paid no less than the wages and benefits required under the Service Contract Act (SCA) or no less than a local minimum wage that is higher than the wage and benefits under the SCA.

Include the Airline Passengers' Bill of Rights (S.178) and the Forbidding Airlines from Imposing Ridiculous Fees Act (H.R. 659), which would provide passengers with fair compensation, refunds, and recourse in the event of airline-caused flight delays and cancellations, require airlines to pay at least \$1,350 to passengers denied boarding as a result of an oversold flight, and mandate airlines to immediately refund bag fees for damaged or lost bags.

Include the Cash Refunds for Flight Cancellations Act (H.R.1233), which codifies the Department of Transportation's (DOT) authority to require major airlines to give passengers a cash refund if the airline cancels or significantly delays their flight, and creates a new right for consumers to receive a cash refund if the passenger cancels their flight up to 48 hours ahead of the flight's scheduled departure.

Codify the Administration's efforts to crack down on junk fees by incorporating Families Fly Together Act (S.525) into the reauthorization. This will ensure in statute that a child can sit next to a family member on a flight at no additional cost.

Incorporate the Fair and Open Skies Act (H.R. 3095 in the 117th Congress) to prevent new foreign airlines from exploiting "flags of convenience," wherein a company sites its operations in a country with weak labor standards and safety regulations rather than its country of origin in order gain an unfair competitive advantage in the market.

Increase competition, consumer choice and quality by inserting language reforming airports' slotting systems and improving gate access for smaller carriers. This will prevent larger airlines from hoarding limited capacity of slots at major airports to deny entry by lower-cost airlines. Legislative language should direct the FAA to adopt approaches that open more slots to bidding by all airlines, requiring airlines to either make efficient use of the slots or give them up, and prevent private, anti-competitive trading of slots.

Reaffirm the existing enforcement powers of the Department of Transportation to crack down on airline misconduct. Congress should use the FAA reauthorization to clarify that canceling flights due to insufficient staffing represents an unfair and deceptive practice, and that the Department of Transportation should use its full authority to fine airlines for malfeasance and failing to offer refunds to passengers for canceled flights in order to deter future abuses.

Include the Cabin Air Safety Act (H.R.1293) to protect airline pilots, flight attendants, and passengers from toxic cabin air. The legislation would establish air quality standards and assist with the monitoring, reporting, and investigating of these “toxic fume” events.

Prevent federal preemption of state and local labor standards. We ask that the Committee not include any language that would attempt to limit or prohibit states and localities from including airline workers in labor protections extended to other workforces.

Support zero-emission ground vehicles and infrastructure at airports. Dedicate funding in this reauthorization to complete comprehensive ground-fleet transition plans for airports across the country and provide dedicated funding to adopt zero-emission vehicles and supporting infrastructure at airports, including through enhancing and expanding the Voluntary Low Emissions Program (VALE) and the Zero Emissions Vehicle (ZEV) Infrastructure Pilot Program.

Eliminate federal preemption that prohibits state courts, state attorneys general, and state legislatures and passengers from pursuing claims and legal recourse for wrongdoing or misconduct in the airline industry. Include legislative language to end preemption for states seeking to enact or enforce laws related to an air carrier's prices, routes, or service; provide the U.S. attorney general with authority to enforce relevant airline commerce and safety regulations without the request of the Secretary of Transportation; provide state attorneys general with authority to enforce relevant airline commerce and safety regulations, and restore a private right of action for relevant airline commerce and safety regulations, including setting forth penalties in such cases.

Transition to fluorine-free firefighting foam by quickly outlining a national transition plan. While the FAA removed the formal requirement that firefighting foams contain per- and polyfluoroalkyl substances (PFAS), it has not yet been able to provide airports with an FAA-approved fluorine-free alternative. This plan should include factors such as implementation plans for obtaining approved products, acceptable environmental limits of PFAS, and best practices for decontamination of existing equipment used to deploy foams.

Require all airlines to submit employee assault prevention and response plans that include airport workers such as ticket agents. Apply civil penalties for those air carriers that fail to develop and submit a plan.

Include legislative language to expand key workplace protections for nursing mothers, including reasonable break time to nurse and a private place to pump, for all flight attendants and pilots.

Strengthen “Buy America” provisions related to federally funded airport improvement projects. Congress should include language in the FAA reauthorization to ensure that “Buy America” requirements for FAA-funded projects also include iron and construction materials, not just “steel and manufactured goods” as under current law.

Include the Global Aircraft Maintenance Safety Improvement Act (H.R.7321 in the 117th Congress) as passed by the House last Congress, to uphold America’s leadership in aviation safety by improving safety standards and oversight of foreign aircraft repair stations used by many domestic carriers.

Include legislative language to limit the practice of stock buybacks, whereby companies artificially boost the value of their shares, among aviation firms receiving federal subsidies.

Require all FAA contractors to remain neutral in union organizing campaigns, narrow the gap between CEO and worker pay, have no major violations of labor rights or environmental protection laws on record, and divulge political activities and contributions, parties or third-party political groups in the past two years.

Thank you for your leadership and consideration. We look forward to working with you to advance these commonsense and long-overdue policy goals through the FAA reauthorization process.