

United States House Committee on Transportation and Infrastructure

Hearing on:

***Investing in our Nation's Transportation
Infrastructure & Workers: Why it Matters***

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Testimony of

Sara Nelson

**International President
Association of Flight Attendants-CWA, AFL-CIO**

Association of Flight Attendants-CWA, AFL-CIO
501 Third Street, NW, Washington, DC 20001
Government Affairs Director Stephen Schembs, 202-434-0568

Introduction

Thank you Chair DeFazio, Ranking Member Graves and members of the House Transportation & Infrastructure for convening this hearing on the importance of investing in our nation's transportation infrastructure and its workers.

I am a twenty-six year union Flight Attendant and president of the Association of Flight Attendants-CWA, AFL-CIO (AFA), representing Flight Attendants at 19 airlines across the industry. We also coordinate closely with our partner union the Communications Workers of America, the Association of Professional Flight Attendants and all of the transportation union affiliates of the Transportation Trades Department, AFL-CIO.

My testimony will cover various provisions included in the American Rescue Plan (P.L. 117-2), Infrastructure Investment and Jobs Act (P.L. 117-58), and the Inflation Reduction Act (P.L. 117-169) that demonstrate why investments in our transportation infrastructure are a force multiplier for creating a strong, safe, stable and equitable aviation industry now and in the future.

Aviation is all about bringing people together all around the globe. Our job and our agenda is to continue to make that possible. That means a living wage, a secure home, respect and safety on the job, with time to enjoy life for all of the people who make it possible for our planes to fly. And it means doing our part to protect our earth with clean air, water and smooth jet streams. Transportation workers are united and organizing with urgency to ensure sustainable aviation with good union jobs is our collective future.

The American Rescue Plan (P.L. 117-2)

A year after the World Health Organization declared a pandemic, President Biden signed into law the \$1.9 trillion American Rescue Plan (ARP) Act of 2021 (P.L. 117-2) to provide immediate relief to American workers. The rescue package put the needs of working families first and addressed the burdens placed on our transportation networks during the worst public health and economic crisis in living memory.

All Americans need a living wage, access to healthcare, education, housing, and a secure retirement and thankfully, this time, due to the leadership and experience of Chair DeFazio and many on this committee, the transportation workers didn't pay for this crisis and the horrific deficits exposed by the pandemic. The ARP provided more than \$49 billion in federal funding to keep all of America's transportation systems operational.

Especially important to Flight Attendants and aviation workers was \$15 billion extended for the worker-first airline Payroll Support Program to finish what we started in the CARES Act. Without a doubt, we owe our jobs and a functioning airline industry to Peter DeFazio. He used years of experience in dealing with one crisis after another to keep workers at the center of any recovery.

We Couldn't Allow a Repeat of the Fallout from 9/11

"Hold all other communications on pay cuts, base closures, and previously announced furloughs. United just called me. They're furloughing another 2,500 Flight Attendants. We need to deal with that first."

I'll never forget that call. It was 2003, and our union was six months into a 38-month bankruptcy at United Airlines that followed September 11th.

Nearly one in three United employees — 30,000 all told — lost our jobs during that bankruptcy. Our pension was gutted. And those who remained took two massive pay cuts. When United came out of bankruptcy, nearly 45% of the savings the corporation showed Wall Street came off the backs of workers.

Wall Street was ecstatic. Workers were devastated.

That time was the formative experience in my career. And that's why our union worked with urgency to craft a relief plan that ultimately became the Payroll Support Program.

We refused to follow the old "blank check for corporations" bailout playbook, especially for airlines. Our union had spent recent years protesting stock buybacks that pay out Wall Street and top executives while our staffing levels were cut to minimums and we had to work more just to make ends meet. Twenty years after the events of September 11, 2001, we were still feeling the effects of austerity and cost cutting while Wall Street had become more emboldened to take cash from the profits made by our hard work and sacrifice. Prior to the pandemic inequality was felt in our paychecks, eroded retirement security, longer days with shorter nights, staffing cuts resulting in fewer of us with more passengers than ever, and the configuration of the seats and service on our planes. Consumers experienced these cuts too. Austerity also meant job loss and years of no hiring. Initiatives to promote diversity and inclusion suffered at the same rate that mature workers felt the sting of 25, 30, and 35 years on Reserve status and little ability to control our schedules even after decades on the job.

I know from personal experience: the people who benefit if airlines go under are corporate executives, bankruptcy lawyers, and corporate management consultants who under corporate bankruptcy law get to walk away with hundreds of millions in bonuses.

We knew it would be immediate devastation for two million aviation workers if we couldn't get relief, but there was no way we were going to agree to a bailout for airlines. That's why our program, made possible through the relentless leadership of Chair DeFazio and continued to finish the job under the Biden Administration with the ARP, demanded the requirements of no involuntary furloughs, no cuts to hourly rates of pay, continued service to all of our communities and a ban on stock buybacks and

dividends along with caps on the executive compensation even after the relief period was complete.

A Historic Workers First Program: PSP

Enacting the PSP in the Act CARES Act and extending it in the American Rescue Plan meant we kept critical service in place to all communities and hundreds of thousands of aviation workers out of the unemployment line. We stayed connected to our healthcare, retirement contributions, while continuing to pay taxes that supported our state and local budgets, maintained contributions to social security, medicare and other long term programs - as well as supporting other jobs by paying the cable bill, rent, keeping the lights on and staying warm in our homes with food on the table. The PSP program kept all systems in place and didn't strain other public assistance programs so many people needed during the crisis. This was a simple, but necessary solution that protected and shored up people on the frontlines of our economy, both during the crisis and for our future.

The program that Chair DeFazio championed was the most effective and transparent jobs program in COVID relief. It is recognized around the world as the gold standard for the critical aviation sector, and it's easy to recognize its success as headlines come from Europe about halting service and turning airlines and passengers away from airports. The program halted the greed of Wall Street by banning stock buybacks and dividends until September 30, 2022 and reined in the worst of corporate behavior by capping executive compensation through March 2023. This was purposely done so federal funding would be directed to frontline workers for our pay and benefits and to prevent growing inequality by stopping taxpayer money from going to airline shareholders and investors during this economic crisis.

This hearing is very timely because **tomorrow** the provision banning airlines from initiating stock buybacks expires. While airlines are just now starting to make a profit, the recovery is not complete and the austerity of twenty years prior has not been corrected for airline jobs. We can't allow CEOs to send one dollar to Wall Street before fixing operational issues and concluding contract negotiations. We need investments in the operation, staffing, and pay and benefits to keep and attract people to aviation jobs.

That is why our union, along with the Air Line Pilots Association, Int'l (ALPA), the Association of Professional Flight Attendants (APFA), the Communications Workers of America (CWA), International Association of Machinists and Aerospace Workers (IAMAW), the International Brotherhood of Teamsters (IBT), Transport Workers Union of America (TWU), and Service Employees International Union (SEIU), representing hundreds of thousands of aviation workers, announced the launch of nostockbuybacks.org. The campaign demands pledges from the CEOs of U.S. airlines to extend the COVID relief ban on stock buybacks until:

1. operational meltdowns are not the norm and staffing and flight schedules are aligned to support public demand; and
2. labor contract negotiations are concluded.

Emphasizing the concerns we're raising, Chair DeFazio and many members on this committee, are sending a letter to the trade associations who represent commercial airlines, urging their members to publicly pledge that they will not engage in stock buybacks on October 1, 2022. Millions of frontline transportation workers have worked through the devastating effects of the COVID-19 pandemic and many put contract negotiations on hold during the crisis. Minimum staffing and high productivity put in place pre-pandemic exacerbate problems now until we can address these issues in bargaining and/or legislation. We appreciate this committee's efforts to solicit the concerns of airline workers who continue to bear the brunt of chronic understaffing and languishing labor contracts.

PSP: Freezing an Imperfect System

While aviation workers came together through our unions, found common ground with airlines and worked with allies in Congress to pass and extend this critical aid, we froze an imperfect system for 16 months with legislative constraints tied to COVID relief. However, the greed that ran rampant before COVID created an industry that was already stretched thin with minimum staffing and heavily reliant on high overtime hours in order to meet basic operational metrics

The economic fallout of September 11th in the airline industry meant bankruptcies and mergers where the courts abrogated our contracts, eliminated our pensions, and changed our jobs forever. Before September 11th, airlines regularly staffed flights with Flight Attendants above FAA minimums, two or more passenger service agents to board a flight and more throughout the airport to handle delays and cancellations.

Now, flights are staffed with minimum Flight Attendants, so when something goes wrong there's no additional crew to pull from. Passenger service agents are left to board full planes by themselves creating communication issues during the boarding process. And when a flight gets delayed or canceled? That same agent or worse no one is left in the terminal to assist passengers – making an already difficult situation worse.

Hiring is important but maintaining employees is also important. Delta Air Lines was touting the "juniority" benefit from the pandemic last year, but on a recent earnings call CEO Ed Bastian said Delta's operation was suffering from a training/inexperience gap.

Some have questioned the use of the relief dollars in the wake of some operational meltdowns. Staffing is above pre-pandemic levels if compared to the number of flight hours airlines are flying, but this is a problem created pre-pandemic and exacerbated by the immediate return to an unpredictable destination demand and other pandemic effects. More than anything though, American worker productivity was higher than any developed country in the pre-pandemic world. This is also true in aviation, but it is not sustainable anywhere. Aviation workers are not able to pick up as many overtime hours due to COVID infections, difficulties with commuting to work, and fatigue exacerbated by high instances of combative passengers.

It's important to note that earlier airline operational meltdowns were the result of:

1. The lapse in PSP funding from October 1, 2020 - December 28, 2020, as we warned would happen due to a backlog in retraining, certification, and security credentials.
2. Airlines planned operations based on pre-pandemic overtime hours, but workers were no longer willing to pick up overtime at the same rate because of the conditions at work.
3. COVID infections, although generally affecting the vaccinated population for shorter time periods, decrease the rate of workers who are able to work.
4. Operational support staff at airlines were also cut or jobs outsourced leaving crew on hold for assignments or release from duty for hours at a time.

Unions have negotiated with management to put in place financial incentives to pick up time, and in some cases address issues with traveling to work. This helped, but it's not a long term fix like we'll experience with the conclusion of contract negotiations and encouragement for other investments in infrastructure rather than pressure to send cash to Wall Street.

Put simply there is minimal give in our system. When something goes wrong, like a massive weather system moving up the east coast, the operations fall apart quickly leaving passengers and crews stranded. Airlines can't control weather, but management can build a system that has more to recover from operational challenges that arise.

That's what we saw this summer – it was worse than pre-pandemic 2019 when looking at delays and cancellations. But because of the critical work of this committee and the Payroll Support Program it was only worse by a couple percentage points. Our sisters and brothers across the Atlantic have suffered far worse because their governments failed to meet the moment of this crisis. Heathrow has made unprecedented moves telling airlines they had to cut or cap capacity for months. Amsterdam, Dublin and more airports in Europe suffered security queues for 4 plus hours. Thanks to our federalized TSA we did not suffer the same fate.

The Payroll Support Program worked. Full stop. But now we have to fix the imperfect system that existed before this pandemic.

Infrastructure Investment and Jobs Act (P.L. 117-58)

The bipartisan Infrastructure Investment and Jobs Act (IIJA) is another critical investment in the quality and safety of our nation's infrastructure that will drive the creation of good-paying union jobs, increase equity in transportation and help fight climate change.

In total, the Law provided \$25 billion for the nation's air transportation system over five years.

First, \$5 billion is designated for airport terminals, including the concessions and multimodal terminal projects. Flight Attendants (and everyone on this committee) see first hand the terminals that need to be upgraded and more accessible for individuals with disabilities. The ease of getting from one terminal to another should be the norm in 2022 and this bill will help make this a reality. Further, many airports sadly have few healthy dining options (without to-go alcohol!). This is a problem for crew having access to food as well. We are pleased the Airport Terminal Program allows concessions, who are often small business owners, to apply for these grants as well. When concessions are down or poorly staffed passengers cannot as easily get a meal before a flight. This increases anxiety, medical issues, and sometimes leads to violence. Concession workers have had hot coffee thrown back in their face and faced incredible abuse while trying desperately to meet demand. These conflicts are rarely caught and then passengers already behaving badly abuse a gate agent or board our airplanes increasing the potential for violence in the cabin when there's nowhere to go and no way to remove the threat from our workspace.

Second, \$15 billion was set aside for airport infrastructure, such as the runways, gates, taxiways, safety and sustainability projects, airport transit connections, and roadway projects. A tragic example comes to mind of the importance of airport transit projects after learning about a Ryanair (UK and Ireland based airline) Flight Attendant, Cinzia Ceravolo¹, who was hit by a car and died. She was trying to walk home in the dark from the airport after her shift because she could not afford a taxi and there was no public transportation option. Had public transit been available to get her safely off the airport road to connect her to a bus stop or to subway, she would still be alive today.

Finally, \$5 billion is provided for air traffic control facilities to improve their physical condition. Sadly, the FAA has more than 100 aging control towers² at regional and municipal airports across the United States that will eventually need to be replaced. Many control towers built 20 years ago are incompatible with today's operational requirements. The average age of a tower is 27 years, and some are up to 40 years old³. The upgrades and repairs on air traffic control facilities around the country will create jobs for local suppliers, construction workers and communities. All of these jobs should be good union jobs to make sure they are done right and get the most out of lifting conditions for the people in all of our communities.

The IJJA also includes many other key provisions championed by labor unions, including local hiring preferences, Buy America provisions, and prevailing wage requirements.

¹ <https://www.bbc.com/news/uk-england-merseyside-62700831>

² <https://www.faa.gov/newsroom/faq-launches-nationwide-solicitation-design-air-traffic-control-towers-future>

³ <https://www.volpe.dot.gov/NAS-infrastructure>

Inflation Reduction Act (P.L. 117-169)

Most recently, Congress passed and the President signed into law the Inflation Reduction Act (IRA), an incredible step forward for every working family towards lowering energy and healthcare costs, requiring strong labor standards in order to claim clean energy tax credits, creating millions of construction and manufacturing jobs in America⁴, and fighting climate change that threatens our jobs and our safety at work and at home.

Severe turbulence is happening more frequently and is more intense due in part to climate change. This summer, eight people were hospitalized after an American Airlines flight from Tampa, Florida, to Nashville, Tennessee, experienced severe, unexpected turbulence and was forced to land in Alabama⁵. This incident happened a few weeks following a flight from Chicago to Salt Lake City that caused minor injuries to three Southwest Airlines flight attendants and one passenger when their flight experienced moderate turbulence.

For Flight Attendants, these incidents pose a serious occupational risk. And as extreme weather events become more common, more and more flights never take off at all. When the polar vortex plunged most of the U.S. into a deep freeze in January 2019, airlines canceled thousands of flights⁶. Heatwaves, thunderstorms, and other effects of climate change similarly make it impossible for airplanes to fly. Simply put, grounded flights mean lost pay for flight attendants, who earn an hourly wage while we're in the air, and more and more it's hard to go to work when our homes are destroyed in the wake of more frequent natural disasters.

We appreciate the leadership of Chair Maria Cantwell, Senate Commerce, Science and Transportation Committee, to author key provisions in the IRA such as increased funding for the National Oceanic Atmospheric Administration (NOAA) to fund climate research for atmospheric processes to examine the causes and impacts of extreme weather. These investments will support the development of more accurate/timely weather forecasts, and improved climate change predictions. In addition, NOAA also received funding to acquire a new Gulfstream G550 Hurricane Hunter to collect data when large storms appear, which is vital for knowing where storms will hit and how strong they will be. Improved weather forecasts can have a profound impact on saving lives, jobs, businesses and communities.

Another key climate provision included in the IRA that is critical for reducing carbon emissions from air travel is funding for the new Sustainable Aviation Fuel (SAF) and Low-Emissions Aviation Technology Grant Program. We can't think that carbon offsets

⁴ <https://www.nytimes.com/2022/09/26/business/factory-jobs-workers-rebound.html>

⁵ <https://www.cbsnews.com/news/what-is-turbulence-and-why-climate-change-could-be-making-it-more-common/>

⁶ <https://www.businessinsider.com/flight-cancellation-cold-weather-storm-blizzard-closing-airports-2019-2#:~:text=When%20a%20nasty%20polar%20vortex,start%20dropping%2C%20everything%20slows%20down.>

are a solution that makes any difference at all. Our union is proud of the commitment⁷ United Airlines made to be 100% green by 2050 by reducing greenhouse gas emissions by 100%, and we hope to work further with this committee to help speed this action up more. The IRA provided a huge step forward. United and other airlines will benefit from the SAF grant program, and so will we all.

Chairman DeFazio's Contributions to the Lives of Aviation Workers

During the time Congressman DeFazio (D-OR) has been Chair of the House Transportation and Infrastructure during the 117th Congress, we have seen many important aviation health and safety bills introduced or passed by the full House under his leadership.

First, *the National Aviation Preparedness Act*, H.R. 884, championed by House Aviation Subcommittee Chair Rick Larsen and Congressman Don Beyer (D-VA), that directs federal agencies and aviation stakeholders to develop a national strategy on health and safety protections for future pandemics. From the beginning of the pandemic, our union was urging DOT and other agencies to come together to develop effective mitigations to ensure the health and safety of passengers and aviation employees during the pandemic, and a follow-on plan to put the industry on a path to recovery. We believe the health of our nation's aviation workforce is vital to maintaining our transportation network in times of crisis, as we've seen throughout the Covid-19 pandemic,

Second, *the Fair and Open Skies*, H.R. 3095 and a narrower version that was included this year as an amendment to the House Appropriations Bill, are already having an impact on new airline entrants, such as Norse Atlantic Airways, a Norwegian low-cost, long-haul airline headquartered in Arendal, Norway. Norse employs nearly 250 U.S.-based Flight Attendants with crew bases in JFK and FLL, and expects to continue to grow and increase Flight Attendant jobs in the U.S. Norse is playing by the rules that make Open Skies fair and this legislation would ensure other airlines do as well. AFA has been working with Chairman DeFazio, Chairman Larsen and many members of this committee since 2016 to prevent foreign airlines from using "flags of convenience" to avoid the regulations of their home countries or otherwise undermining labor standards.

Third, the *Stop Sexual Assault and Harassment in Transportation Act*, H.R. 5706 passed the full House in March 2022. It will help prevent sexual assaults and sexual harassment on airplanes, buses, passenger vessels, commuter and intercity passenger railroads, taxis and ridesharing vehicles. Chair DeFazio has always held this important value that when it comes to the transportation of people, safety must always come first, and that includes protecting people from sexual harassment and assault.

Fourth, *the Healthy Flights Act of 2021*, H.R. 2770, which was introduced in 2021. The bill (1) sets forth requirements relating to the use of masks and other protective equipment for airline passengers and certain airline employees; (2) requires the FAA to

⁷ <https://www.united.com/ual/en/us/fly/company/global-citizenship/environment.html>

provide certain employees, including any air traffic controller and airway transportation systems specialists, with masks and other protective equipment; and (3) mandates the development of a national aviation preparedness plan to ensure the aviation system is prepared to respond to epidemics and pandemics of infectious diseases. Each of these provisions are things aviation workers have been calling for to feel safe at work. We are thankful for Chair DeFazio's leadership and recognition that we are essential frontline workers who come to work each day to keep our nation's safe and efficient air transportation system operational.

Finally, we have greatly appreciated the unwavering support from Chair DeFazio and members of this committee to urge the U.S. DOT to finalize the congressionally mandated 10 hours of minimum irreducible rest for Flight Attendants passed in October 2018. Chair DeFazio has never stopped fighting on this. The Trump Administration put this law on a path to kill it. But thanks to Chair DeFazio's relentless efforts, the bipartisan support from this committee, and the commitment of the Biden Administration, we will see this rule finally implemented before the end of this year.

Conclusion

We thank Congress, and especially the efforts of this Committee, for your leadership in enacting many of the provisions I covered in my testimony that invested both in our nation's infrastructure and its workers. These laws are having a positive impact on our economy and instead of another twenty years of austerity, workers have the ability to push forward to maintain and create good jobs in aviation and beyond.

I also want to touch on how Chair DeFazio has transformed the safety of our profession. From fines and penalties for disruptive passengers and sexual assault, to evacuation standards and staffing requirements to stopping the spraying of poisonous pesticides in the cabin to fighting for child restraint seats for our youngest passengers to aircraft certification standards and oversight to ensure aircraft are safe and increasing Flight Attendant minimum rest to fight fatigue, he's been a champion for our jobs and the health and safety of passengers and crew onboard every day of his extraordinary career.

Over the years, I've known Chair DeFazio as our greatest champion in Congress. He is an honorary member of our union, and I am proud to call him my friend. We can't imagine Congress without the representative who broke the mold remembering where he came from and using his commitment to everyday people to drive his relentless advocacy, policy wonk curiosity, and strategic smarts to get results. Chair DeFazio has never been afraid to speak the truth or take on a righteous fight for the people. His legacy will live on in the countless positive changes he's made for our profession, his mentorship of all of us who've had the privilege to work with him, our industry and our country. He may be retiring from an amazing career we all have benefited from, but Chair DeFazio's work and leadership will endure with every flight, ship, port, truck, and train that moves with the power of the American worker.

Thank you and I look forward to answering your questions.