



May 04, 2023

The Honorable Maria Cantwell
Chairwoman
U.S. Senate Commerce, Science and
Transportation Committee
254 Russell Senate Building
Washington DC, 20510

The Honorable Ted Cruz
Ranking Member
U.S. Senate Commerce, Science and
Transportation Committee
512 Dirksen Senate Office Building
Washington DC, 20510

The Honorable Sam Graves
Chairman
U.S. House of Representatives
Transportation and Infrastructure Committee
2165 Rayburn House Office Building
Washington, DC 20515

The Honorable Rick Larsen
Ranking Member
U.S. House of Representatives
Transportation and Infrastructure Committee
2165 Rayburn House Office Building
Washington, DC 20515

Dear Chairs Cantwell and Graves and Ranking Members Cruz and Larsen:

On behalf of the undersigned labor organizations representing employees of airlines and airline contractors, we write to declare in no uncertain terms our opposition to efforts to amend the Airline Deregulation Act (ADA) or otherwise statutorily preempt state and municipal labor and related policy for airline workers.

In 1978 Congress limited ADA preemption so as not to foreclose state and local regulation of traditional areas of state concern regarding labor and employee issues as applied to aviation workers. By expressly tailoring preemption of state law only to circumstances where the states directly regulate customer-centric prices, routes, and airline service, Congress balanced the industry's need for uniformity in its relation to the traveling public while respecting the states' traditional ability to protect and support its citizens. Our members, like workers throughout the economy, avail themselves of the benefits provided by state and local governments to care for sick spouses, children, and to address medical concerns outside the protections provided by their collective bargaining agreements. These long-established protections should not be arbitrarily foreclosed. As Congress recently observed in the railroad industry, transportation workers care significantly about matters unrelated to pay, and the flexibility to provide and care for oneself and family is necessary for a stable industry. Attempts to expand the intent and statutory framework of federal preemption or to swallow up and preclude these important state law rights will negate this significant progress.

In challenging state and local laws, the airlines have unsuccessfully litigated a series of cases which attempted to block labor, paid sick leave, meal and rest, and related laws, including the recent denial of petitions of certiorari before the Supreme Court. The establishment of labor standards falls within the traditional police power of the State—a settled principle that applies with equal force to airlines—and the connection between the ADA and labor policy is extremely attenuated, as recognized by the courts. Any attempt in the pending FAA reauthorization or any other legislation to amend or otherwise undermine the accepted status of the ADA’s preemption provisions or the clear authority of the states to regulate labor policy, is contrary to the courts’ interpretation, needlessly undermines long-existing rights of workers and will be strongly opposed by the American labor movement.

During the 2018 FAA reauthorization, an attempt to expand the scope of the Airline Deregulation Act invited our opposition and was subsequently foreclosed by legislators. The airlines appear to opaquely suggest, outside of the ADA, that Congress codify that any state or local laws that apply or relate to the operation of an aircraft in “any respect” be preempted by Congress. This opaque effort to confuse the FAA’s safety authority in order to broadly envelop the clear rights of the state to set labor policy under our federalized political system is without merit, fanciful, and will invite our unwavering opposition.

We appreciate your consideration and look forward to working with you on successfully shepherding an FAA bill that is thoughtful, balanced, and appropriately considers the safety of our airline system and rights of airline employees.

Sincerely,

Air Line Pilots Association
Association of Flight Attendants-CWA
Communications Workers of America
International Association of Machinists and Aerospace Workers
International Brotherhood of Teamsters
National Air Traffic Controllers Association
Transportation Trades Department, AFL-CIO
Transport Workers Union of America
Service Employees International Union
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