ALPA POLICY PRIORITIES

BATTLING THE PANDEMIC, REBUILDING OUR ECONOMY, AND CONNECTING THE WORLD
## CONTENTS

### COVID-19 PANDEMIC

- Protecting Frontline Workers ........................................ 4
- Continuing CARES Act Coverage for Aviation Workers .......... 5

### SAFETY

- Passing the Safe Skies Act ............................................. 6
- Ensuring “One Level of Safety” for Hazardous Materials/Dangerous Goods Transport ........................................... 6
- Safely Sharing Airspace with Remotely Piloted Aircraft .......... 8
- Modernizing Airspace for Safe Commercial Space Operations .... 9
- Maintaining Pilot Staffing Levels in All Operations ............... 10
- Elevating International Pilot Training Standards .................. 10
- Improving Cabin Air Quality ......................................... 11
- Protecting Aviation’s Dedicated Radio Spectrum .................. 11
- Clearing the FAA’s Medical Certification Backlog ................ 12
- Pilot Peer Support Programs ........................................... 12
- Maintaining Pilot Training: Simulators Matter ..................... 12

### SECURITY

- Installing Secondary Barriers ........................................ 13
- Protecting Aviation from Cybersecurity Attacks .................. 14
- Revoking Flight Deck Access Deviations ........................... 14
- A Seat at the Table: Inclusion for All Security Team Members ...... 15
- Ensuring Employees with Access Also Have a Criminal History Records Check ........................................ 15

### CARGO

- Equipping All-Cargo Aircraft with Primary Barriers .............. 16

- Mandating “All-Cargo Common Strategy” for Employees and Crew ........................................... 16
- Mandating SIDA for All-Cargo Operations .......................... 17
- Redefining Aircraft Rescue and Firefighting to Include Cargo Aircraft ........................................ 17

### INTERNATIONAL

- Promoting U.S. Workers in International Aviation and Flags of Convenience ............................................. 18
- Joint Ventures between U.S. and Foreign Carriers ................. 19
- Following the Spirit of the Fly America Act .......................... 19
- Removing Distortive Subsidies for State-Owned Enterprises ........ 19
- Creating Sustainable Aviation ........................................... 20
- Preventing the Misuse of Visas in the Airline Industry .......... 21
- Negotiating Open Skies Agreements with Departments of Transportation and State ........................................ 21

### PROMOTING THE DIGNITY OF WORK AND PROTECTING PILOT LIVELIHOODS

- Promoting Diversity and Inclusion in Aviation ..................... 22
- Saving Pilots’ Retirement Security .................................... 23
- Defending Workers’ Rights to Access State Labor Protections .... 23
- Bankruptcy Reform and the Courts .................................. 24
- Rejecting All Right-to-Work Legislation ............................... 24
- Ensuring Accessible Student Loan Options for Affordable Pilot Career Paths ........................................... 25
- Overhauling the Tax Code ................................................ 25
- Appropriately Funding Aviation ....................................... 26
As the 117th U.S. Congress takes office and a new administration gets underway, the country’s elected representatives face at least two immediate and unprecedented crises—addressing the intensifying COVID-19 global health pandemic and revitalizing the U.S. economy, decimated by the pandemic’s crippling aftermath. Airline pilots—responsible for the safe transportation of goods and personnel—are essential to accomplishing both.

Our members have served on the front lines since day one of this pandemic. ALPA pilots play an integral role in supporting our nation’s response, filling our planes with essential workers and personal protective equipment (PPE) and delivering aid to the most affected areas of the country. Today, airline pilots are essential in the complex process of the vaccine’s distribution to communities across the country and around the world.

In fact, aviation is essential to beating the pandemic and restoring our economy. COVID-19 quickly and harshly delineated essential from nonessential, demarcating the industries crucial to recovery, and the U.S. prioritized the aviation industry accordingly. Rebuilding a strong and sustainable airline industry is critical for our future. Airline workers have proven time and again that they are willing to work with our aviation partners to regain economic footing and—in today’s current situation—propel us into a new normal.

Over the Association’s 90 years, pilot leaders ushered in new eras of aviation while upholding the highest safety standards, and we’re confident this trend will continue as the country navigates new rules for sharing airspace with remotely piloted aircraft and commercial space launches.

We look forward to working together, with concrete policy solutions—actions Members of Congress and the Biden-Harris administration can implement today—to enable the U.S. airline industry and the trillions of dollars of economic activity it creates to safely, securely, and efficiently soar into the future with qualified, well-trained pilots at the helm.

As we face the myriad of challenges ahead, rest assured we will emerge stronger, together—because we’re essential to all air service and uniquely suited to fly America out of this crisis.
PROTECTING FRONTLINE WORKERS

Since the beginning of the pandemic, the Centers for Disease Control and Prevention (CDC) has continuously released recommendations applicable to all modes of transportation, aimed at facilitating public transportation while keeping the traveling public safe and healthy. The CDC, however, does not have regulatory authority; that rests with other government departments and agencies.

ALPA pressed the federal government through the DOT and FAA to mandate specific requirements to ensure the safety and health of our flight crews and passengers. The Trump administration did not act, failing to implement required FAA actions aimed at requiring mask usage and keeping aircraft and airports clean and disinfected to keep U.S. airline passengers and crews safe, healthy, and protected.

ALPA welcomes the Biden administration’s mandate for masks on public transportation, including aviation. DOT/FAA can also issue orders, directives, and rules to immediately mandate the provision of PPE, sanitization and disinfection standards, and employee-notification requirements. The FAA not only has this ability but has also publicly declared itself a public health authority in the past—specifically, in 2006 the FAA established that “in light of the statutory duties described above, the FAA has determined that it is a public health authority.”

In addition, the administration must work with state governments to ensure that airline pilots are recognized as frontline essential employees and be prioritized as such for vaccine distribution.

**ACTION:**

The administration must:

- Require the provision of PPE for air crews.
- Issue sanitization and disinfection standards as developed by RTCA.
- Require employee notification for positive COVID tests of other crew/passengers.
- Work with state governments to get priority access to the vaccine for airline pilots who are frontline essential workers.

---

1 Guidelines are laid out in the Federal Aviation Administration Safety Alert for Operators 20009, issued March 3, 2021 (including any similar successor Safety Alert or applicable guidance). The scope of this statutory authority for protecting occupants of aircraft from risks and hazards is provided at 49 USC 44701, 44703, 44507.

CONTINUING CARES ACT COVERAGE FOR AVIATION WORKERS

At the outset of the pandemic, it became clear that the spread of COVID-19 presented substantial and potentially long-lasting effects on demand for airline services and the employment prospects of pilots and other airline workers. With passage of the CARES Act, Congress recognized the strategic role of airline travel and airline employees through the passage of the first employee-focused business relief program in American history, the Payroll Support Program (PSP). The PSP provides air carriers assistance by subscribing aid directly to employee salary and benefits with a legal prohibition on furloughing employees.

The program has been a resounding success, stabilizing airline capacity and employment while ensuring the continuity of airline travel and cargo distribution. Through the Consolidated Appropriations Act of 2021, Congress authorized further support for this program at the end of 2020 and again in the American Rescue Plan to provide airline worker assistance through September 30, 2021.

As the nation focuses on vaccine distribution and recovering from the pandemic, the PSP will remain central to our success. With air travel still mired in uncertainty, ALPA looks to continue to work with Congress to ensure the airline industry and its employees are able to successfully help fight the pandemic and facilitate an economic recovery.

ACTION:

› Congress and the administration should continue to recognize the unique challenges of the airline workforce due to the pandemic and prioritize airline worker health and safety and labor protections in any COVID relief legislation or regulatory action.
PASSING THE SAFE SKIES ACT

For decades, ALPA has advocated for “One Level of Safety” for the simple reason that all pilots and airline operations should be treated equally, regardless of payload or flight mission. While the 2011 FAA flight- and duty-time rules and minimum rest requirements (FAR 117) are a significant improvement over the previous rules established six decades ago, the “cargo carveout”—the rules only addressed passenger airlines and excluded all-cargo airline operations from mandatory compliance—threatens the safety of air transportation.

The FAA and DOT strongly believed during the rule-making process that all-cargo operations should be included as part of the policy. In fact, the proposed rule said, “The FAA has decided against proposing special rules for all-cargo operations because there are no physiological differences between pilots who fly cargo planes and pilots who fly passenger planes.” Despite the policy position of the agency, a political determination to carve out cargo was based on a biased and faulty cost-benefit rationale by the Office of Management and Budget rather than on scientific fact.

As then National Transportation Safety Board Chairman Deborah Hersman said, expressing disappointment on the exclusion of cargo operations after the final rule was released, “A tired pilot is a tired pilot, whether there are 10 paying customers on board or 100, whether the payload is passengers or pallets.”

**ACTION:**

- DOT should immediately ensure through regulatory action that the flight, duty, and rest requirements apply to all-cargo operations in the same manner as they do to passenger operations.
- Congress should pass the Safe Skies Act to mandate that cargo operations meet the same standards of safety as airline passenger operations under FAR 117 and fulfill congressional intent for mandated, updated science-based rest rules for all airline pilots when it passed the Airline Safety and Federal Aviation Administration Extension Act of 2010 (P.L. 111-216).

ENSURING “ONE LEVEL OF SAFETY” FOR HAZARDOUS MATERIALS/DANGEROUS GOODS TRANSPORT

ALPA has long advocated for improved transport requirements for dangerous goods. Hoverboards, cell phones, and power banks bursting aflame inside passenger aircraft cabins illustrate how lithium batteries and other dangerous goods (aka hazardous materials) can create real safety threats in the absence of proper regulations and safety risk mitigations.

- The significant consumer demand for this high-density power source has resulted in rapid expansion in lithium battery production, supply, and proliferation (knockoff batteries). Consequently, this hazard is increasing exponentially. While lithium batteries represent a significant technological improvement over older battery technology, their high energy density and flammability make these batteries more prone to failure, resulting in fire, explosion, and exposure to toxic gases. The FAA has released videos of lithium battery tests, key to raising awareness for this aviation safety risk.

Mitigating dangerous goods incidents requires a focus on three specific areas:
**Improving Regulations**
The lack of comprehensive dangerous-goods regulations for the carriage of lithium batteries as cargo onboard commercial aircraft, both passenger and cargo, continue to pose risks to air transportation. The DOT adopted new standards implemented by the International Civil Aviation Organization (ICAO) on April 1, 2016, which made significant improvements to provisions for lithium batteries shipped as cargo by air around the globe. However, these standards do not go far enough in addressing the safety risk created by lithium batteries.

Work must continue to develop and mandate performance-based packaging standards that will prevent and/or contain a lithium battery fire onboard an aircraft. These standards must also address the threat from external fires.

**Eliminating Undeclared Dangerous Goods Shipments**
Undeclared dangerous goods (UDG)\(^1\) are one of the highest risk areas to air transportation. In 2020, the DOT received 1,265 incident reports of such events, and 63 percent of the incidents involved “undeclared” shipments, or noncompliant shipments of dangerous goods. However, there is only data for UDG involved in an incident; we do not know how many actual shipments of undeclared or noncompliant dangerous goods are in the system. The trend over the past three years shows an annual increase in both incidents and undeclared shipments.

**Developing a Safety Risk Management Program**
An operator chooses whom it will accept shipments from based solely on the honor system. The carrier relies on “trust,” and usually doesn’t know what is inside the package. The carrier is not allowed to open the package for inspection. Therefore, operators should be assessing the safety risks associated with the transport of various types of items in the aircraft cargo compartment and the value of considering the hazards associated with those items.

This safety risk assessment should also include the safety of the cargo transport supply chain. An operator should have procedures in place for monitoring the effectiveness of its interface management controls to ensure that nothing contained in cargo will endanger an aircraft. This would include analysis of its dangerous goods safety data collection and processing system. Controls for ensuring that undeclared dangerous goods are not offered for air transport should be present throughout the supply chain, including (when involved) the shipper, freight forwarder, cargo agent, and the operator. Operators should consider whether the arrangements for receiving cargo adequately address the risk of undeclared dangerous goods.

**ACTION:**

- DOT’s overarching goal should be to ensure “One Level of Safety” across the entire supply chain for all air cargo shipment participants to include the government, industry, and U.S. Postal Service to reduce and eliminate shipments of undeclared dangerous goods. This would include:
  - Creating more visibility into contents of mail and/or cargo shipments;
  - Compiling incident investigation and analysis teams that include all supply chain participants, so everyone provides input to identify where problems exist;
  - Treating all shippers equally for the purpose of aviation safety; and
  - Publicizing all enforcement actions to highlight the serious safety risk of undeclared dangerous goods—even if final actions are minimal.

- DOT must continue to support and promote the “Check the Box” public awareness and educational outreach campaign.

- DOT should improve its data collection and analysis from UDG incident investigations.

- DOT should develop a risk-based approach to the shipment and supply chain of dangerous goods that is based on the aircraft and cargo

---

\(^1\) Shipments of undeclared hazardous materials (liquids, flammables, lithium batteries, and other materials) shipped as cargo without being identified by the shipper are considered “undeclared” dangerous goods.
compartment capabilities instead of one that is based on outdated and arbitrary considerations, such as accessibility or type of operation. This will achieve a uniform level of safety in all commercial aircraft operations.

DOT must continue to support the Lithium Battery Air Safety Advisory Committee, which provides advice and recommendations to improve the safe air transportation of lithium-ion and lithium-metal cells and batteries and the effectiveness and the economic and social impacts of the regulations of such transportation.

SAFELY SHARING AIRSPACE WITH REMOTELY PILOTED AIRCRAFT

Remotely piloted aircraft systems (RPAS) will eventually be integrated into the national airspace system (NAS), interacting with other aircraft. This integration must not introduce any risk that could negatively impact the airline industry’s safety record.

The technology that supports these remotely piloted aircraft operations is developing rapidly, and the number of commercial uses envisioned or already employed is continually increasing. Regulators, both in the United States and abroad, are struggling to keep pace. It is paramount that regulators not rush an integration process due to pressures to rapidly integrate RPAS into the NAS; that process must be solely focused on safety. If RPAS share the same airspace as commercial airline aircraft, then airline pilots need to be able to see them on flight deck displays, and air traffic controllers need to see them on their displays to safely separate air traffic.

The use of commercial and recreational small RPAS poses new safety challenges for commercial planes and for emergency-response or other low-altitude aircraft. Safety and technology standards must be in place before any RPA can occupy the same airspace as crewed aircraft or operate in areas where it might inadvertently stray into airspace occupied by airliners. The FAA’s recent regulations for remote identification were a significant step in ensuring that all RPA have the appropriate equipment for tracking.

Further, prior to operations beyond the visual line of sight of the RPA pilot, the RPA must be equipped with active collision-avoidance technology. If the RPA is not intended to be operated in the same airspace as airliners, then software-based airspace restrictions must be programmed into the RPA in a way that cannot be overridden.

The FAA is the ultimate gatekeeper of training and qualifications requirements, and until the agency establishes adequate requirements in a regulatory framework, the likelihood of a training-related accident or incident will remain at an elevated level. For all of these RPAS rulemakings, it is essential that the FAA hold these new entrants to the same standards as existing commercial aircraft operations, both technical and operational.

ACTION:

The FAA must ensure that RPAS are carefully regulated for both commercial and recreational use to ensure that they are safely integrated into the NAS. The administration must work closely with pilots operating in the NAS to ensure that expanded RPA use does not pose a safety risk to our aviation system.

The process of integrating RPAS into the nation’s airspace must be solely focused on maintaining safety.

* Remotely piloted aircraft systems (RPAS) are flown without a pilot onboard the aircraft.
The FAA should further regulate commercial operations of RPA aircraft, including licensing requirements of the pilots who operate these aircraft with qualifications similar to those of commercial pilots in air-carrier service. Any operator of small or large RPA used in commercial service should be subject to the same operational approval and oversight as a commercial air carrier.

Certification regulations for RPAS and their subsystems need to be established.

If an RPA has the capability to, or is intended to, operate in the airspace shared by air-carrier aircraft, manufacturers must design the RPA to the same standards as aircraft used in air-carrier service. It must be equipped with the same “safety enhancing equipment” as air-carrier aircraft, including an active collision-avoidance system, and must have the technology to allow it to be clearly shown on pilot and controller displays.

Altitude-limiting and geographic-avoidance features must be included if the aircraft is not intended to operate in airspace occupied by “pilot on board” aircraft.

Any person(s) in direct control of an RPAS must be limited to the control of a single aircraft.

MODERNIZING AIRSPACE FOR SAFE COMMERCIAL SPACE OPERATIONS

The last few years have borne witness to an incredible feat—the commercial spaceflight age. The number of commercial space launches approved by the FAA in 2020 exceeded all previous records, and the frequency of launches is expected to increase.

ALPA proudly forged an ongoing dialogue with commercial space manufacturers, operators, and industry association representatives. Our collaboration has brought pilots, controllers, airlines, airports, spaceports, and commercial space industry representatives to the table for discussion on how best to collaborate on the safe integration of commercial space operations.

We believe that the operational integration of commercial space into the NAS and beyond is critical to maintain safety. One particular focus area is oceanic air traffic management. By working together, the aviation and space communities have the opportunity to mutually benefit from investments in our national airspace infrastructure.

ALPA remains committed to working with the aviation and space communities to advocate for modernized oceanic airspace, including improved data exchange, communications, aircraft and spacecraft surveillance, and air traffic control capabilities and procedures.

**ACTION:**

The FAA, together with all NAS stakeholders, should craft a strategy that details what full, safe integration looks like so we can work toward it.

ALPA recommends that the aviation and space industries continue to collaborate on a future vision where space launches are an ordinary operation in the NAS.

The FAA should review various modernization initiatives, especially those in oceanic airspace, through an integrated aviation and commercial space operations viewpoint.
MAINTAINING PILOT STAFFING LEVELS IN ALL OPERATIONS

Commercial aviation is the world’s safest mode of transportation, and history shows that at least two fully qualified, highly trained, and well-rested pilots on the flight deck is an airliner’s strongest safety asset. A survey conducted in 2018 shows that Americans strongly oppose removing pilots from the flight deck because of the important role they play in aviation safety and security. Americans also solidly support today’s robust pilot-training requirements.

Eighty-one percent of those surveyed said they would not be comfortable on an airplane without pilots. Yet some special-interest groups continue to push for reducing the flight crew on board aircraft—possibly down to even a single pilot—to cut operational costs.

ACTION:

- The administration should maintain minimum pilot staffing levels as required by regulation, including 14 CFR 121.385, and reprioritize research activity to maintain and ensure the agency’s safety focus.
- Congress should reiterate the safety necessity of at least two trained and qualified pilots on the flight deck of every airliner.

ELEVATING INTERNATIONAL PILOT TRAINING STANDARDS

Congress directed the FAA to undertake many important safety reforms triggered by a series of tragic fatal accidents (P.L. 111-216). This included minimum flight experience, training, and qualifications requirements for pilots working in 14 CFR Part 121 airline service.

These regulations have significantly improved U.S. airline safety. Unfortunately, the 2010 regulatory improvements only apply to U.S. airlines. All non-U.S. airlines operating into the United States are only required to meet the minimum standards set by the ICAO.

ALPA successfully advocated the ICAO secretary general to set up a new Pilot Training and Licensing Panel. This panel will begin its work in earnest in 2021, as the ICAO standards are quite a bit lower and deficient to the U.S. requirements as demonstrated by the accident rate of non-U.S. airlines. Following the B-737 MAX accidents, ALPA identified the need and recommended that ICAO improve the minimum qualification and training standards.

ACTION:

- The U.S. needs to take a strong leadership role at ICAO and advocate aviation standards that will improve global aviation safety.
- The administration must direct and support the FAA to advocate at ICAO for new minimum pilot training and qualification standards that are at least equivalent to and provide the same level of safety as the FAA regulations.
IMPROVING CABIN AIR QUALITY

Abnormal odors, smoke, haze, or fumes in the cabin may arise from various internal or external sources in an aircraft, creating a potentially toxic environment for both passengers and crew. Understanding the scope of issues related to cabin air quality has been difficult due to lack of standardized reporting.

**ACTION:**

- The FAA should require that pilots, flight attendants, and maintenance workers are trained to recognize, respond to, and report the presence of fumes that can contaminate the ventilation supply air on aircraft equipped with bleed air technology. The reporting program should be consistent with the standard ICAO fume-reporting form.
- The FAA should require airlines to report all onboard incidents involving the presence of smoke or fumes that are suspected/confirmed to be sourced to the ventilation supply air, including during ground operations and in flight, and whether or not any mechanical fault or failure is identified.
- Congress should pass the Cabin Air Safety Act to require monitoring systems on aircraft and improve research, reporting, and data protection of fume events.

PROTECTING AVIATION’S DEDICATED RADIO SPECTRUM

In the past several years, the radio spectrum used worldwide for aviation safety-of-flight operations has come under increased pressure by the telecommunications industry. In some cases, aviation’s protected spectrum has been directly targeted by telecommunications interests (as part of “shared use” schemes, for example), while in others, the spectrum desired is adjacent to aviation spectrum and new services are therefore a potential source of out-of-band interference.

Some of the proposed radio spectrum uses are incompatible with existing aviation uses. For example, one use is deployment of high-power ground-based cell towers using frequencies historically reserved for low-power satellite signals or radar altimeter systems. In this environment, existing aviation systems may not have the interference protection needed to ensure they meet safety performance levels. Radio frequency regulators have not always acted with a “safety first” approach in their decision-making.

Demand for wireless data services will continue to increase, and the aviation spectrum will continue to be under pressure from other interests for the foreseeable future. ALPA opposes the issuance of licenses and approval of radio spectrum in or near aviation safety-of-flight services unless they have been proven to be compatible and not degrade air safety performance.

**ACTION:**

- The FCC, along with other government agencies, should ensure that new uses of radio spectrum in or near the aviation radio spectrum that is used for safety-of-flight operations are compatible, and do not degrade safety performance.
- The current license for Ligado Networks should be reconsidered and rejected.
CLEARING THE FAA’S MEDICAL CERTIFICATION BACKLOG

Each airline pilot is required to maintain medical certification. In some cases, airline pilots must obtain a special issuance from the FAA. The FAA is experiencing a substantial backlog in approving special-issuance medical certificates.

**ACTION:**

- The FAA needs to streamline the process and provide for additional resources to decrease this backlog.

PILOT PEER SUPPORT PROGRAMS

ALPA conceived and developed the Pilot Peer Support Program (PPS) that provides a 24-hour hotline for pilots as a complement to other ALPA-provided pilot assistance programs. The Association developed this program as a recommendation of the Pilot Fitness Aviation Rulemaking Committee, whose final report in November 2015 highlighted the importance of pilot assistance programs, particularly helping the FAA disseminate information on benchmark pilot support programs and mental health resources that would benefit the industry and air safety.

**ACTION:**

- The FAA and DOT should use PPS as a template for other employee assistance programs and provide resources to support the program and the expansion and application of the model across the transportation system as appropriate.

MAINTAINING PILOT TRAINING: SIMULATORS MATTER

Manual flying has been an emphasis item by the industry and FAA in recent years. Pilots maintaining proficiency to effectively manage the flight path of the aircraft, particularly when some or all the automation has failed, is essential to the safety of the aviation system. Full-flight simulators with motion provide the closest replication to flying an actual aircraft, and therefore the most realistic training environment.

Over the years, there have been numerous advancements in nonmotion flight-training devices and flight simulators that incorporate motion. As more automation is added into aircraft systems, pilots need to master additional automation while retaining their skills to manually fly the aircraft. As airlines incorporate these additional automation components into training, the curriculum must also maintain a pilot’s manual flying skills. It is essential pilots are trained in the most effective device, and there is a definite benefit to practicing manual flying in a training simulator with motion versus a training device without motion.

**ACTION:**

- The FAA must prioritize making the necessary changes to 14 CFR Part 121, and any other Parts (e.g., 135) of the regulations necessary, regulating which training courses, how much of that training, and in what phases of each training course, etc., full-motion simulators are required.

*ALPA has long supported the use of full-motion flight simulators because they provide the highest-quality training platform available.*
for use in air carrier training programs. At a minimum, all testing, checking, validation, evaluation, etc., should continue to be required to be conducted in a full-motion simulator.

The FAA should also include additional requirements to ensure a significant amount of the training leading up to those events, including but not limited to the simulator training session immediately preceding those events, are also conducted in simulators with motion.

INSTALLING SECONDARY BARRIERS

The downing of four commercial airplanes and loss of nearly 3,000 lives on 9/11 was due, in part, to inadequate protection of the aircraft flight deck. Shortly after 9/11, Congress and the FAA required the installation of hardened flight deck doors on most commercial airline aircraft as one of many new layers of security. The hardened flight deck doors are an important improvement to security, but they are not a complete solution to preventing unauthorized individuals from entering the flight deck.

The flight deck door must be opened during flight to provide for pilots’ biological needs and for operational requirements related to safety. Americans still remain vulnerable to terrorist attacks; there have been at least 52 hijacking attempts around the world since 9/11. The U.S. government has repeatedly and recently confirmed that aviation in particular is still a target of radical terrorists and the threat of hijackings is real.

Since 2003, two major airlines have voluntarily installed a lightweight, inexpensive wire mesh, called a flight deck secondary barrier, on hundreds of their aircraft, which is permanently mounted between the flight deck door and the cabin. Boeing and Airbus offer the secondary barrier as equipment on new aircraft; installation of retrofitted secondary barriers on aircraft already in the fleet represents a minimal cost as they can be added for approximately $5,000 per aircraft or less. A consensus-based secondary barrier technical standard exists, as does a report from the Aviation Rulemaking Advisory Committee that defines a consensus-based path forward.

The 2018 FAA Reauthorization Act included a requirement for the FAA to issue a rule within one year requiring all newly manufactured commercial passenger aircraft to include secondary flight deck barriers before they enter passenger airline service. This key legislative direction from Congress is years overdue.

ACTION:

The administration must promulgate an immediate final rule for installation of secondary barriers for all newly manufactured passenger aircraft, as required by law. Congress should pass H.R./S. 911, the Saracini Enhanced Aviation Safety Act, to require that all passenger aircraft are equipped with secondary barriers.
PROTECTING AVIATION FROM CYBERSECURITY ATTACKS

Now more than ever, commercial airlines utilize highly advanced information technology (IT) systems to optimize their businesses. The IT systems of highest concern to ALPA are those that directly interact with or are components of the aircraft.

Onboard networks are used to manage aircraft-operation systems, including flight control and navigation systems. The aircraft systems are regularly updated with software enhancements and updates to databases or other information that requires routine updates. Some onboard systems are routinely connected to communications systems for the exchange of information at various times both in flight and on the ground.

Just as airline safety and security efforts have mitigated threats on numerous occasions, cybersecurity policies, procedures, and risk mitigations are increasingly needed to ensure aircraft do not become the victims of cyber-related accidents or incidents.

While most would agree that the mitigations to maintain aircraft security should address hardware and software systems, ALPA believes that increased focus and attention is also needed on resilience. A well-trained and qualified professional pilot is a critical element for ensuring that aircraft security and the associated mitigations can be deployed, especially if a cybersecurity threat is identified during flight. In order to maintain a strong cybersecurity posture for safety and security of flight, a comprehensive strategy that includes the roles of pilots is required.

**ACTION:**

- The FAA should continue to enlist the assistance of other federal agencies and industry stakeholders, including ALPA, to formulate strategies that mitigate the risks of harmful cyber-related attacks on airline aircraft.
  
  - Airline pilots should be considered one of the primary mitigation elements when developing resilience planning for events that occur in flight.
  
  - Include pilot education and training to meet normal and abnormal system conditions to maintain safety and security of flight.
  
  - Command capabilities and functionalities for monitoring cybersecurity health and the tools needed for the mitigation of real-time cyber events should be located on the flight deck.
  
  - Physical access to any accessible aircraft system, IT hardware, and software must be secured at all times.

REVOKING FLIGHT DECK ACCESS DEVIATIONS

The FAA has granted exemptions to airlines for carriage of persons on the flight deck who are not authorized to be there under the federal aviation regulations. The regulations were enhanced after 9/11 because of weaknesses which could permit the creation of a security threat inside the flight deck. The FAA’s exemptions in this regard are weakening security and creating distrust in the system.

**ACTION:**

- The FAA should revoke and not allow deviations to operators for expanding flight deck access.
A SEAT AT THE TABLE: INCLUSION FOR ALL SECURITY TEAM MEMBERS

The TSA restricts access to some security-related activities to “regulated parties,” which the TSA has typically interpreted as the airports and airlines. The TSA has used this to restrict participation of employee representatives, working groups, and advisory committees, including the working group involving the Known Crewmember program, of which ALPA is a partner with Airlines for America and TSA.

**ACTION:**

- TSA must include airline pilots and their represented unions as “regulated parties,” ensuring access to these activities. The TSA should also grant this status to all Aviation Security Advisory Committee members.

ENSURING EMPLOYEES WITH ACCESS ALSO HAVE A CRIMINAL HISTORY RECORDS CHECK

From an insider-threat perspective, it is critical that airline employees and those individuals who have access to the flight deck or cargo be required to have a certain level of background checks. DHS must coordinate with the DOT to determine the level of background check based on the individual’s access; this should be accomplished through a risk assessment.

**ACTION:**

DHS, in coordination with DOT, should do a risk assessment on the requirement for:

- Fingerprint-based criminal history records check for all employees and agents of aircraft operators, foreign air carriers, and indirect air carriers in the United States.

- A security threat assessment for each individual involved in providing ground transportation of cargo intended for shipment by air, provided that the shipment is secured such that the transporting agent does not have direct, unsupervised access to the cargo and it is contained in tamper-evident packaging.
EQUIPPING ALL-CARGO AIRCRAFT WITH PRIMARY BARRIERS

A glaring security gap in all-cargo operations is the lack of an intrusion-resistant cockpit door (IRCD). There is a common misconception that all-cargo operations do not carry passengers. However, non-flightcrew members, known as supernumeraries, can be onboard to support transported animals (e.g., horses) and they have unfettered access to the flight deck. The lack of an IRCD on all-cargo aircraft creates a vulnerability if there is an attempt to take over the aircraft or an attack on the pilots or flight deck.

**ACTION:**

- The FAA should require all-cargo aircraft to be equipped with hardened IRCD, and should regulate the carriage of supernumerary passengers on all-cargo aircraft. This includes prohibiting transportation of any persons on non-IRCD aircraft for both 14 CFR Part 121 and 129 all-cargo operations that do not meet definitions established in FAR 121.547 allowing flight deck access.
- The FAA should mandate that all flights with animal handlers must be conducted on IRCD-equipped aircraft, with the animal handlers outside the flight deck behind an installed IRCD.
- Congress should pass the Cargo Flight Deck Security Act to require an IRCD on all-cargo aircraft.

MANDATING “ALL-CARGO COMMON STRATEGY” FOR EMPLOYEES AND CREW

The TSA has developed and mandated the use of a security training guidance document known as the “common strategy” for passenger airlines and crews. The TSA has also established, but not mandated, the teaching of equivalent security training guidance known as the “all-cargo common strategy” for all-cargo airline employees and crews. The common strategy is used to train crews on how to thwart security threats on the ground and in flight, but it is predicated on flight attendants and hardened flight deck doors, neither of which all-cargo operators have. The all-cargo common strategy guidance needs to be tailored toward that unique environment, and training for all affected crewmembers should be required.

**ACTION:**

- The FAA should make this training part of the full All-Cargo Aircraft Operator Standard Security Program, and its administration by all-cargo airlines should be mandated by the TSA, as is done in the passenger domain.
- Congress should mandate implementation and training of the all-cargo common strategy in any TSA reauthorization legislation in the 117th Congress.
MANDATING SIDA FOR ALL-CARGO OPERATIONS

Cargo which is handled and loaded on FAR Part 121 aircraft is done within a security identification display area (SIDA), which has higher security requirements than the surrounding area. However, cargo that is intended for carriage on Part 121 aircraft may be loaded on a non-Part 121 aircraft outside of a SIDA prior to being transported to a hub and transferred to a Part 121 aircraft within a SIDA.

**ACTION:**
- The FAA must require that a SIDA be mandated for air carrier operations at all airports where all-cargo air operations involving aircraft of maximum certificated takeoff weight of 12,500 pounds or greater.

REDEFINING AIRCRAFT RESCUE AND FIREFIGHTING TO INCLUDE CARGO AIRCRAFT

A safety gap in all-cargo operations involves the aircraft rescue and firefighting (ARFF) feature, which is currently not required to be staffed or even present at airports during nighttime operations of cargo aircraft.

By regulation, ARFF is only required to be available for the passenger air carrier operations. If a cargo operator flies a Boeing B-757 or B-767 into a particular airport where the largest passenger aircraft that flies into the airport is a regional jet (such as a Bombardier CRJ200), the airport is required to have ARFF capabilities for only the smaller passenger aircraft.

Additionally, because of the all-cargo business model—late departures and early arrivals—some ARFF facilities are not operational, minimally staffed, or contracted through local, off-airport fire departments. To guarantee coverage for its aircraft operations, at least one cargo operator staffs its own ARFF station at the airport where its sort facility is located, but this is only at its hub and not at the multitude of destinations that it serves daily.

Measures need to be developed and implemented that will properly prepare firefighters for dealing with a cargo aircraft fire. There is a lack of proper ARFF equipment needed to fight all-cargo aircraft fires at some airports, including nozzle tips designed for penetrating cargo airliner hulls, and a lack of funding, because the exemption of cargo from 14 CFR Part 139 requirements interferes with fire departments’ ability to get the money they need for staffing, equipment, training, and developing strategy for cargo-specific events.

**ACTION:**
- The FAA needs to revise the definition of “air carrier aircraft” in 14 CFR §139.5 to include all-cargo operations.
PROMOTING U.S. WORKERS IN INTERNATIONAL AVIATION AND FLAGS OF CONVENIENCE

In the last several years, international aviation has seen developing headwinds to the pilot profession and to the competitiveness of U.S. air carriers. If unchecked, the global growth of flag-of-convenience air carriers and atypical employment practices will radically undermine labor relations, aviation safety, and the stability of the domestic airline industry.

Since the early 1990s, the U.S. policy of pursuing highly liberalized air service agreements—commonly referred to as Open Skies agreements—has provided increased market access opportunities for carriers, employees, passengers, and shippers. This policy has generally worked because it provided for fair and equal opportunities for carriers and employees of all countries to compete. Open Skies agreements created a mutually beneficial marketplace where foreign countries gained access to our market while we gained access to theirs, creating more jobs for all. However, this can only work if the terms of our air service agreements are properly enforced and if regulators keep airline employees’ labor standards at the forefront of their view of public interest.

Flag-of-convenience airlines present a major anti-competitive hurdle. This practice, which originated in the maritime industry, allows an airline or holding company to locate and register their aircraft away from their home countries in “convenient” locations with less-stringent employment, tax, and safety laws, thus shopping the globe for the most permissive legal, regulatory, safety, and labor environment available. Similarly, “atypical” employment occurs when employers—through a variety of schemes—dissolve their direct relationship with their pilots and cabin crew, often by misclassifying pilots as self-employed or as independent contractors. Not only does this undermine the crews’ right to collectively bargain for pay, benefits, and working conditions, but it also dismantles the traditional employee-employer relationship vital to safety reporting.

While these dangerous practices can arise anywhere, the multilateral nature of the U.S.-EU Open Skies Agreement poses the unique ability to form flag-of-convenience operations. Accordingly, the U.S. and EU agreed to a labor clause—Article 17 bis—to prevent these business practices from undermining European and American air carriers and their employees. Unfortunately, by choosing not to apply its statutory public-interest test in a flag-of-convenience case, the U.S. Department of Transportation has chosen to willfully ignore this labor standard to the detriment of U.S. employees and airlines.

ACTION:

› Congress must require the DOT to conduct a public-interest test before issuing a foreign air carrier permit.

› Congress must add to the public-interest test an examination of whether a foreign air carrier is a flag of convenience or is otherwise undermining labor standards in a disadvantageous way to U.S. workers and carriers.

› Congress must ensure that new foreign air carrier permits issued by the DOT for EU airlines follow the labor clause (Article 17 bis) of the U.S.-EU Open Skies Agreement and uphold labor standards.

› DOT and the Department of State should prioritize labor standards when formulating international aviation policy.

› DOT should use its discretion to apply the public-interest test in all foreign air carrier licensing cases and ensure that the economic regulatory criteria governing employee and U.S. carrier interests (U.S.C. § 40101[a][5], 40101[a][15], respectively) cover flag-of-convenience carriers or otherwise prevent the diminishment of labor standards.

› DOT should restore the intent of the parties to the U.S.-EU Air Transport Agreement regarding labor standards as expressed through the labor Article 17 bis.

› The DOT should declare its interest in imposing conditions on any foreign air carrier with an operating certificate to ensure compliance with the public interest (49 U.S.C. § 41304), including temporary suspensions (provided under 49 U.S.C. § 41312). Finally, the DOT and Department of State must declare their intent to establish labor standards in all new Open Skies agreements or otherwise incorporate them where relevant for existing air service agreements.
JOINT VENTURES BETWEEN U.S. AND FOREIGN CARRIERS

The DOT uses its discretionary authority to grant antitrust immunity to joint ventures (JVs) that essentially merge selected international operations of a U.S. and foreign carrier. In JVs, only U.S. employees’ leverage in collective bargaining with their employer provides assurances that they may receive a fair share of the flying. Lately, DOT has recognized that U.S. airline labor may not be benefitting from these arrangements as the 1995 policy had anticipated. DOT has conditioned approval for two new JVs on a limited annual requirement to report on the JV’s impact on labor and on the relative amounts of U.S. and foreign flying.5

**ACTION:**

- In JV renewals, the DOT should apply its existing “public interest” criteria to ensure that participating U.S. carriers maintain their fair share of existing international flying and any new growth generated by a JV. Requirements should be enhanced by allowing affected labor access to the reports under confidentiality rules.

FOLLOWING THE SPIRIT OF THE FLY AMERICA ACT

The Fly America Act supports the transportation of U.S. government personnel, contractors, and cargo on U.S. airlines. A healthy and vibrant commercial airline sector is vital to our national security, and airlines seeking to bid on government travel awards must commit aircraft to military use in time of emergency. Recent decisions by the General Services Administration (GSA) fail to follow the Fly America Act. GSA indirectly awarded government contracts to fly government passengers and freight to a long-haul foreign carrier, where the foreign carrier agreed to a code-sharing arrangement whereby it allowed a short-haul U.S. air carrier—which could not operate the service with its own aircraft—to sell seats on the foreign plane under the U.S. carrier’s two-letter designator code. This arrangement ceded the actual flying to the foreign carrier.

**ACTION:**

- GSA should cease the practice of awarding contracts for international carriage to airlines which do not have aircraft under their control capable of fulfilling the contract.

REMOVING DISTORTIVE SUBSIDIES FOR STATE-OWNED ENTERPRISES

Before the global pandemic, the governments of the United Arab Emirates and Qatar furnished massive, market-distortive subsidies to their airlines—Emirates Airline, Etihad Airways, and Qatar Airways (Gulf carriers)—that violate commercial economic terms and are inconsistent with our air services agreements (both the UAE and Qatar enjoy Open Skies agreements with the United States). U.S. passenger carriers and airline employees have incurred substantial harm and will continue to do so absent a remedy. Similarly, the Chinese government’s support for their

---

5 One such decision is Order 2020-10-13 (October 23, 2020), DOT-OST-2018-0154, Delta/WestJet.
national industries is well known. The Chinese government owns and financially backs Air China, China Southern, and China Eastern, all of which operate to the United States (although under a restrictive, non-Open Skies bilateral agreement).

**ACTION:**

- The DOT, State Department, and Commerce Department should continue to examine the Gulf carriers’ subsidies and differentiate short-term, COVID-related aid from subsidies that enable these carriers to grab market share. (As just one example, after 9/11, the Gulf carriers took advantage of the decline in airline industry to steal international routes through subsidies.) The U.S. government must continue to insist on arm’s-length relationships among Gulf governments and their airlines, transparency in reporting, and a weaning away from subsidies.

**CREATING SUSTAINABLE AVIATION**

As successful as the airline industry has been in developing a safer, faster, and less expensive mode of transportation, it has also excelled in lessening its impact on the environment. The industry’s efforts include proactive operational procedures performed by airline pilots to reduce fuel burn, which resulted in airline CO₂ emissions per seat mile dropping an astounding 80 percent since the first jet aircraft. In fact, airline emissions presently account for only 2 percent of human activity–caused global emissions.

The airline industry has aggressive goals to further reduce aircraft emissions, including increasing average aircraft fuel efficiency each year by 1.5 percent, and reducing net aviation emissions by 50 percent by 2050, as compared to 2005 levels.

**ACTION:**

The government should:

- Provide a blender’s tax credit to scale up the use of sustainable drop-in aviation fuels to reduce aviation CO₂ emissions.
- Encourage and provide funding for research, engineering, and development of new, sustainable aviation fuels which are cost-competitive with traditional fuel sources and emit less life-cycle CO₂ than traditional fuels.
- Provide sufficient and timely funding for necessary improvements to the national airspace.
- Fully fund the implementation of NextGen and associated procedural improvements modernization components, including aircraft equipage, which could eliminate as much as 15 percent of today’s delays, increase safety and capacity, and concurrently reduce emissions.
- Fully fund important infrastructure improvements, including runway and taxiway additions and improvements. Poor airport designs, including those with intersecting runways, increase taxi time and fuel use. Adding high-speed taxiway exits from runways can reduce runway occupancy time and thus increase airport capacity. Additional runways reduce overhead noise, fuel wasted in holding patterns, and long queues of aircraft waiting for takeoff.
- Encourage and provide funding for research, engineering, and development of noise-reducing technologies and systems including engines and airframe.
PREVENTING THE MISUSE OF VISAS IN THE AIRLINE INDUSTRY

Over the past several years, thousands of applications for E-3 and H-1B visas have been wrongfully approved for the position of airline pilot. H-1B and E-3 visas are specifically reserved for “specialty occupations.”

DOL’s Occupational Outlook Handbook does not recognize the airline pilot profession as a specialty occupation. The Administrative Appeals Office has consistently concluded that the airline pilot profession is not a “specialty occupation.” We urge the administration to take actions to ensure that no further work visas are granted to pilots under the H-1B and E-3 programs and to proactively apply the same standard to visa applications filed under the H-1B1 program.

**ACTION:**

- Adopt or amend internal guidance to prevent misuse of H-1B, E-3, and other visas related to filling airline pilot positions at U.S. air carriers.
- Clarify definition and application of specialty occupation standard for E-3 and H-1B visas.
- Update methodology for determining prevailing wage in nationwide labor markets regarding air carrier pilots.
- DOL should ensure the integrity of the visa process by providing clear guidance to U.S. Citizenship and Immigration Services and embassies regarding the definition of specialty occupations.

NEGOTIATING OPEN SKIES AGREEMENTS WITH DEPARTMENTS OF TRANSPORTATION AND STATE

ALPA has been supportive of international agreements that promote fair competition and high labor standards. We remain committed to working with the Departments of Transportation and State to ensure our objectives are included in any new and all existing Open Skies agreements.

Aviation is a unique industry which requires that negotiators have an intricate understanding of the structures of both U.S. and foreign airlines, operations, networks, and aviation-related rules and regulations. As such, our position is that bilateral and multilateral treaties which impact the aviation industry should remain under the sole purview of the U.S. DOT and State Department. Aviation must not be included in larger trade negotiations by the U.S. trade representative.

**ACTION:**

- Open Skies agreements and aviation dialogue must continue to be negotiated by DOT and State and separate from larger trade deals.
PROMOTING DIVERSITY AND INCLUSION IN AVIATION

ALPA is committed to ensuring a diverse and accessible career path for those interested in pursuing a career in aviation. A strong workforce is critical to the continued leadership of the aviation industry in the United States, and the strength of that workforce depends on the full utilization of the talents and abilities of a diverse workforce.

For example, today, women make up over 50 percent of the national workforce, but are significantly underrepresented in the aviation industry, making up only 2 percent of airline mechanics, 4 percent of flight engineers, 5 percent of repair workers, 26 percent of air traffic controllers, 18 percent of flight dispatchers, and 6 percent of pilots.

Over the years, Congress has supported legislation seeking to improve and strengthen the diversity of the aviation workforce. Bipartisan legislation included in the FAA Reauthorization Act of 2018, the Promoting Women in the Aviation Workforce Act, aims to promote and encourage women to enter the aviation field by creating an Advisory Board at the FAA composed of industry leaders. This Advisory Board, on which ALPA has representation, seeks to foster an open dialogue on ways to help improve the pathways of education, training, and recruitment of women in this growing field.

ALPA also prioritizes fostering diversity and opportunities for underrepresented groups through our work with schools; pilot associations such as the National Gay Pilots Association, the Organization of Black Aerospace Professionals, and Women in Aviation; and mentor programs. In addition, ALPA has created the President’s Committee for Diversity and Inclusion, which seeks to empower and strengthen diversity in the aviation industry.

ALPA believes that a strong and robust workforce is essential to ensure that the U.S. aviation industry remains the gold standard for safety and security around the world. ALPA currently serves as the pilot representative on the FAA Advisory Board, and we look forward to working with the Biden administration to facilitate an open dialogue on this important issue.

ACTION:

- The government should prioritize expanding and supporting education and outreach programs to promote and foster diversity in aviation careers.
- The DOT should implement recommendations from the Women in Aviation Advisory Board, including adoption of inclusive language within the FAA and other agencies.
- The FAA should implement strategies to identify and address biases in programs, policies, and practices to ensure current and future aviation employees feel welcomed in the profession, including creating a reporting system that will allow employees to submit issues experienced in their workplace to build on the inclusivity of the aviation environment.

ALPA is regularly present at recruitment and student events to reach those who formerly might not have considered a piloting career.
SAVING PILOTS’ RETIREMENT SECURITY

Presently, federal law requires that commercial airline pilots must retire once they reach age 65 (P.L. 110-135). As a result, pilots do not have the same length of time to save for retirement as many other workers. Additionally, pilots who are born in 1960 or later will not qualify for full social security benefits until age 67, two years after their mandatory retirement, and are penalized for early withdrawal. Finally, many pilots lost their defined benefit plans as a result of the deeply flawed corporate bankruptcy process following 9/11.

ACTION:

› Pass legislation which allows pilots to double their catch-up contribution amount for the three years preceding their mandatory age 65 retirement to give them the same benefit as other professions.

› Pass legislation to index the 415(c) limit retroactively using CPI to 1987 when the elective deferral limit was established. Such action would allow employees and employers to contribute more toward a secure retirement for employees.

› The administration and Congress should work with employee groups who lost their defined benefit plans in bankruptcy reorganizations to establish hybrid defined benefit plans. Both employees and employers take on a certain level of risk under a hybrid defined benefit plan, and by design the unfunded liability of a hybrid plan is less volatile than that of a traditional pension plan, which lowers the financial risk to the PBGC. Therefore, a hybrid pension plan should not be subject to the same PBGC premiums as a traditional defined benefit plan.

DEFENDING WORKERS’ RIGHTS TO ACCESS STATE LABOR PROTECTIONS

Unlike most other industrialized nations, the United States does not currently utilize a uniform national standard on paid family or sick leave. In response, states are creating a patchwork system of local paid family and sick-leave laws throughout the country.

To date, 11 states, the District of Columbia, and 22 localities have passed local paid sick-leave laws. In certain states, employees covered under a CBA, such as flight crews, are exempt from sick-leave laws if their contract expressly waives coverage under the ordinance, or the agreement modifies sick-leave benefits. States and localities with a waiver or bargaining option currently include Seattle, Tacoma, Austin, San Antonio, Dallas, and Arizona, with California specifically “carving out” flight crews from state paid sick-leave laws.

Since the passage of many state paid leave laws, the airline industry made several attempts to weaken an airline flight crew’s ability to avail themselves of local paid sick-leave laws, including an amendment to the FAA Reauthorization Act of 2018 that intended to supplant state and local paid sick-leave laws for flight crews. This effort would have included the pay and scheduling of flight crews under the RLA, thereby superseding all state legislation in this area by statute.

ALPA continues to monitor both federal case law and legislative attempts to preempt flight crews’ ability to avail themselves of local family and paid sick-leave laws. Courts appear skeptical of preempting state and local laws, which ALPA believes makes a legislative attempt to preempt state and local laws by statute in Congress more likely.

ALPA remains committed to protecting the rights of flight crews to avail themselves of local paid family and sick-leave laws, and will fight any attempt to modify our members’ rights by federal preemption legislation.

ACTION:

› Congress should pass legislation to create an employee-protective uniform national standard on paid family and sick leave and/or ensure airline flight crews can access local paid family and sick leaves, as bargained in their contracts.
BANKRUPTCY REFORM AND THE COURTS

For decades, airlines have grossly abused the bankruptcy process with the consent of the courts, despite Congress never intending this outcome. As just one example, after 9/11, 50 air carriers sought protection from the bankruptcy code. Airlines dictated $83.5 billion in wage and benefit reductions because of courts’ misapplication of the law, dissolving nearly every defined benefit pension plan and, in some cases, instituting 50 percent pay cuts and seven-year contracts in order to cement long-term employee losses. These draconian cuts were grossly disproportionate in substance and duration, far outlasting the immediate need to successfully reorganize, and did not reflect economic circumstances. With demand for air travel potentially depressed for years, employee relief from the structurally disadvantageous and inequitable bankruptcy code is necessary.

Through a technical correction, Congress can restore the protective intent of airline employee treatment in Chapter 11 reorganizations. The Railway Labor Act (RLA), which governs labor relations in the airline and railroad industries, intends that airline workers and employers receive greater protection to preserve labor peace and commerce than they currently receive inside bankruptcy.

Accordingly, the legal system is encouraging airlines to file bankruptcy to achieve what they cannot otherwise achieve in fair negotiations under the RLA. This runs afoul of the purpose of the RLA’s primary policy goal of preserving harmony and stability of interstate commerce in the key transportation sector through collective bargaining. In fact, the bankruptcy code was intended to shield airline employee collective bargaining agreements from Chapter 11 abrogation as it currently does for railroad employees.

**ACTION:**

Congress must clarify that airline employee collective bargaining agreements governing wages and working conditions are not subject to modification by the court, except in accordance with the negotiation procedures of § 6 of the RLA, 45 U.S.C. § 156, as currently provided for other employees under the RLA.

REJECTING ALL RIGHT-TO-WORK LEGISLATION

A national right-to-work law would remove unions’ ability to collect “fair share” agency fees from non-members who do not pay union dues, while still requiring unions to provide representation to non-members who refuse to pay for that representation. Fair-share agency fees are imposed on all individuals benefitting from the labor contract, and the union’s representation services as a condition of employment. Terminating these fees would be bad public policy, based on many misunderstandings about unions and their funding.

No individual is required to join a union. Many unions have fair-share agency fee arrangements. These arrangements do not require union membership and the fees are less than union dues because they exclude advocacy and other nonrepresentational activities.

Unions are not the only groups with fair-share fees. Lawyers, doctors, and other professionals are required to pay yearly fees in order to continue to practice. Universities may require students to pay fees to support extracurricular activities. A national right-to-work law would unfairly hold union workers to a different standard.

**ACTION:**

Congress should reject any attempt at a national right-to-work law to maintain balanced labor relations.
ENSURING ACCESSIBLE STUDENT LOAN OPTIONS FOR AFFORDABLE PILOT CAREER PATHS

No one is more committed to ensuring there is a robust pipeline of qualified airline pilots than ALPA. However, becoming a pilot continues to be one of the most expensive job paths. These costs have long been a barrier for many individuals when deciding what career to pursue. ALPA has been working with Congress over many years to help make this process easier and more attainable, without cutting corners when it comes to safety. Accessing options for future pilots to get financial assistance is cumbersome, convoluted, and opaque.

One problem is a lack of coherent information for prospective pilots on what funding options are available. In most cases, these funding mechanisms are subsidized or unsubsidized loans for students pursuing a four- or two-year degree.

It should be incumbent on the federal government to clearly outline the process and procedures available to prospective pilots on what financial assistance options are available to them, for example:

- Will the loans be subsidized or unsubsidized?
- How will loan repayment be handled?
- Will the loans cover the cost of flight training?
- Will any forbearance be allowed once a pilot completes flight school, but hasn’t yet found a job?
- What happens if the salary for a first-year pilot is not enough to cover the debt accrued for a degree and flight school?

Further, federal student loans for flight training should be available for students in an aviation-related program pursuing a degree from an accredited two-year college or four-year university.

**ACTION:**

- The federal government should ensure assistance and opportunities to pursue careers as pilots are accessible by developing clear and concise guidelines for what options are available to prospective pilots of all backgrounds and income levels.

- Federal student loans should be extended to flight training associated with an aviation-related degree program at accredited two-year college and four-year university institutions under the Higher Education Act.

OVERHAULING THE TAX CODE

Congress has discussed the possibility of revisiting the Tax Cuts and Jobs Act (P.L.-115-97), which ended several important deductions utilized by airline pilots.

**ACTION:**

- Tax deductibility of union dues
- The treatment of per diem
- The tax treatment of other goods and services considered necessary and/or required of pilots to perform their unique functions, e.g., uniforms, luggage, etc.
As Congress prioritizes issues facing the nation, and the critical funding for existing programs in times of crisis, ALPA respectfully asks the body to keep the following items on its radar when considering federal budget outlays in the coming years:

**The National Mediation Board (NMB)** is a small, independent federal agency established in 1934 under the RLA that oversees collective bargaining and representation disputes in the rail and air industries and relies on congressional appropriations to function. The Board’s work is critical to facilitating air commerce and resolving disputes under collectively bargained contracts between airline management and represented employee unions.

**The Federal Flight Deck Program** provides a critical, efficient, and economical layer of defense to our national aviation security system. TSA-trained and deputized pilots are a force multiplier of our aviation security program; however, the program is a continual target for budget cuts, despite the fact that there is a backlog of pilots requesting training.

**The Human Intervention Motivation Study (HIMS),** spearheaded by ALPA in the 1970s, is a specialized alcohol abuse and chemical dependency program that coordinates the identification, assessment, treatment, and medical recertification of flight officers in need of such assistance. HIMS includes a successful peer identification and referral component. This joint effort between the FAA, medical professionals, ALPA, and the airline industry has helped thousands of airline pilots over the years regain medical certification and ability to continue to fly as commercial airline pilots. Key education and training for aviation medical examiners, other medical professionals, airline managers, and pilot volunteers is provided by FAA funding.

**NextGen,** the modernization of air transportation infrastructure, is critical to aviation safety and fundamental to the future growth of the industry. Modernization will advance safety, promote system efficiencies, and help further the airline industry’s contributions to reducing greenhouse gases and sustainability.

**Single-pilot operations** are a threat to aviation safety. Having at least two well-trained, qualified pilots on the flight deck of every airliner is critical. Congress should reject any attempt to distribute federal resources to advance single-pilot operations in the NAS.

**ACTION:**

- The president’s budget request should include appropriate funding levels for the NMB.
- Congress should adequately fund the NMB to facilitate timely adjudication of collectively bargained contracts in the rail and air travel industries.
- Congress must fully fund the Federal Flight Deck Program at $25 million annually to ensure adequate training and support for an appropriate level of the force.
- The FAA budget should continue to prioritize the valuable contribution of HIMS, an important collaboration between the FAA, employer, and employee representatives to address substance-abuse issues.
- Congress should prioritize and adequately fund NextGen programs to promote safety, efficiency, and sustainability in aviation.
- The administration and Congress should fund useful aeronautical R&D, not programs intended to eliminate pilots from the flight deck. The budget should not include resources dedicated to reducing pilots through NASA’s Aeronautics Research Mission Directorate’s Airspace Operations and Safety Program or the FAA’s Research and Development Management Division.