

Congress of the United States

Washington, DC 20515

December 9, 2022

President Joseph R. Biden
The White House
1600 Pennsylvania Avenue NW
Washington, DC 20500

Dear President Biden:

Thank you for your hard work in negotiating a rail labor agreement to prevent a lockout that would have caused severe damage to the economy during the busy holiday season. While this agreement was much better than the disastrous proposals put forward by the rail industry, it still does not guarantee a single paid sick day to rail workers who work dangerous and difficult jobs, have risked their lives during the pandemic to keep our economy moving and have not received a pay raise in over three years. That is unacceptable and must be rectified.

As you know, a majority in the United States Senate and the House of Representatives voted for legislation to guarantee seven paid sick days to every rail worker in America. Tragically, because of the arcane rules of the Senate, this legislation was filibustered by just 42 Republicans and one Democrat and did not make it to your desk for signature. It is literally beyond belief that rail workers are not guaranteed this basic and fundamental human right. Therefore, we urge you and your administration to do everything within your authority to guarantee rail workers the seven paid sick days that they desperately need through executive action.

The American people are sick and tired of the extraordinary corporate greed that has been taking place throughout our country. At a time when corporate profits are soaring, working families throughout this country are struggling to keep their heads above water economically. There is no better example of this corporate greed than what we are seeing in the rail industry. In the first three quarters of this year, the rail industry has made over \$21 billion in profits while providing their CEOs with huge compensation packages. Meanwhile, in the year 2022, workers in the rail industry receive zero paid sick days. What this means is that if a rail worker comes down with COVID, the flu, or some other illness and calls in sick, that worker will not only receive no pay, but will be penalized and, in some cases, fired. We cannot allow that to continue.

Guaranteeing seven paid sick days to rail workers would cost the industry a grand total of \$321 million – less than two percent of their annual profits. If the rail industry can afford to spend \$25.5 billion in stock buybacks and dividends to enrich their wealthy shareholders, they can afford to treat their workers with the respect and the dignity that they deserve.

As President, you and your administration have a number of tools at your disposal to make sure rail workers are guaranteed paid sick leave. For example, in 2015, President Obama signed an executive order establishing paid sick leave for Federal contractors which ultimately did not cover rail carriers despite the fact that the Federal Government has hundreds of contracts with freight rail carriers. You can and you must expand this executive order.

In addition, the Secretary of Labor has the authority under the Occupational Safety and Health Act to set mandatory occupational safety and health standards for businesses affecting interstate commerce. We can think of few things that threaten the safety and health of workers more than being required to come into work sick and exhausted and we can think of few industries more quintessential to interstate commerce than freight rail.

Moreover, under the Federal Railroad Safety Act, the Secretary of Transportation has a duty to promote safety in all areas of railroad operations, to reduce railroad-related accidents, and to reduce deaths, injuries, and damages caused by rail carriers. Guaranteeing that workers are not operating trains or inspecting rail signals while sick or tired would fundamentally improve the safety of our national rail operations.

We have heard terrible and tragic stories from rail workers who have been penalized for spending the day in the hospital with their sick children. A locomotive engineer, who, out of fear of being fired, was forced to skip his doctor's appointment after experiencing unusual symptoms, suffered a heart attack and died in an engine room just weeks later. There is absolutely no reason why these workers should have to deal with these conditions in the richest country in the history of the world.

Over 115,000 rail workers in this country are looking to you to guarantee them the dignity at work they deserve and to ensure that our rail system is safe for its workers and for millions of Americans who cross rail tracks every day. Through Executive Order, agency rulemaking, and any other applicable authority, we ask that you take quick and decisive action to guarantee these workers paid sick leave.

We look forward to working with you to make this a reality.

Sincerely,



Bernard Sanders
United States Senator



Jamaal Bowman, Ed.D.
Member of Congress



Rashida Tlaib
Member of Congress



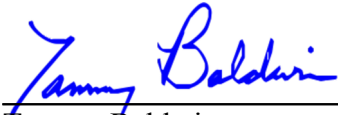
Alexandria Ocasio-Cortez
Member of Congress



Donald M. Payne, Jr.
Member of Congress



Cori Bush
Member of Congress



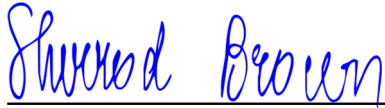
Tammy Baldwin
United States Senator



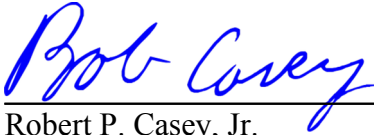
Richard Blumenthal
United States Senator



Cory A. Booker
United States Senator



Sherrod Brown
United States Senator



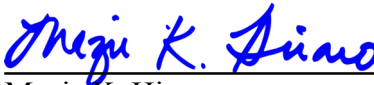
Robert P. Casey, Jr.
United States Senator



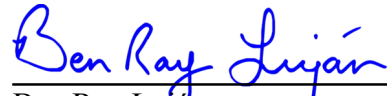
Kirsten Gillibrand
United States Senator



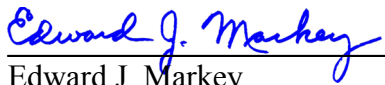
Martin Heinrich
United States Senator



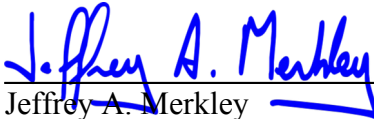
Mazie K. Hirono
United States Senator



Ben Ray Lujan
United States Senator



Edward J. Markey
United States Senator



Jeffrey A. Merkley
United States Senator



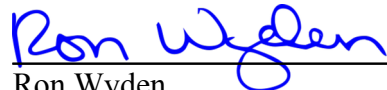
Alex Padilla
United States Senator



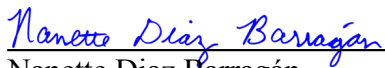
Elizabeth Warren
United States Senator



Sheldon Whitehouse
United States Senator



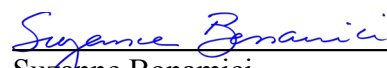
Ron Wyden
United States Senator



Nanette Diaz Barragán
Member of Congress



Donald S. Beyer Jr.
Member of Congress



Suzanne Bonamici
Member of Congress

André Carson

André Carson
Member of Congress

Kathy Castor

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Lloyd Doggett
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Dwight Evans

Dwight Evans
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John Garamendi
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Al Green
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Raúl M. Grijalva

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Sheila Jackson Lee

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Pramila Jayapal
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Henry C. "Hank" Johnson, Jr.
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Mondaire Jones
Member of Congress



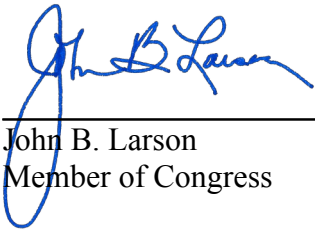
Marcy Kaptur
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Ro Khanna
Member of Congress



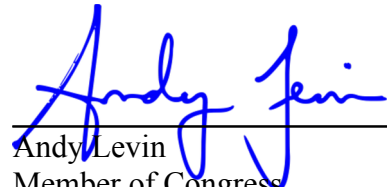
Rick Larsen
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John B. Larson
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Barbara Lee
Member of Congress



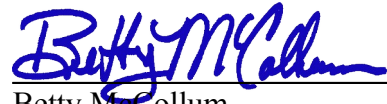
Andy Levin
Member of Congress



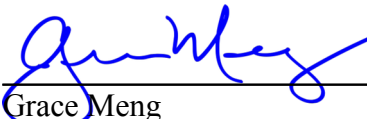
Ted W. Lieu
Member of Congress



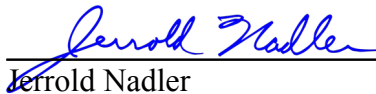
Carolyn B. Maloney
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Betty McCollum
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Grace Meng
Member of Congress



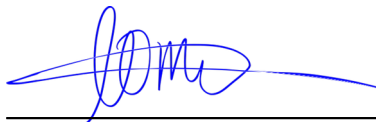
Jerrold Nadler
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Marie Newman
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Eleanor Holmes Norton
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Ilhan Omar
Member of Congress



Chellie Pingree
Member of Congress



Mark Pocan
Member of Congress



Katie Porter
Member of Congress



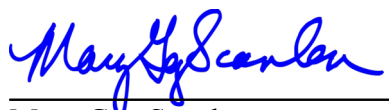
Ayanna Pressley
Member of Congress




Jamie Raskin
Member of Congress



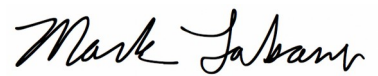
Tim Ryan
Member of Congress



Mary Gay Scanlon
Member of Congress




Jan Schakowsky
Member of Congress



MARK TAKANO
Member of Congress



Dina Titus
Member of Congress



Ritchie Torres
Member of Congress



Bonnie Watson Coleman
Member of Congress



Peter Welch
Member of Congress



Susan Wild
Member of Congress