

June 14, 2023

The Honorable Maria Cantwell  
Chair  
Committee on Commerce, Science, and  
Transportation  
United States Senate  
254 Russell Senate Office Building  
Washington, DC 20510

The Honorable Ted Cruz  
Ranking Member  
Committee on Commerce, Science, and  
Transportation  
United States Senate  
512 Dirksen Senate Office Building  
Washington, DC 20510

**RE: Consumer groups urge support for pro-passenger amendments to Senate  
FAA reauthorization bill**

Dear Chair Cantwell and Ranking Member Cruz:

The nine undersigned organizations represent the passengers who rely on America's airlines 75 million times every month for safe, affordable, and reliable transportation.<sup>i</sup> Three years ago, taxpayers bailed out the airlines with more than \$54 billion of the public's money with practically no strings attached.<sup>ii</sup> Consumers' spending is fueling the industry's return to profitability,<sup>iii</sup> allowing it to reward Wall Street<sup>iv</sup> and pay executive bonuses.<sup>v</sup>

On Thursday, the Senate Commerce Committee will take up the 2023 FAA reauthorization legislation. We urge you to use this twice-a-decade opportunity to stand up to the airlines and make sure that consumers see a return on their investment in the industry's survival.

The base bill that was introduced on June 12 contains many pro-consumer provisions that we support, including strengthening the DOT's consumer protection rulemakings, making the airlines accountable for setting unrealistic flight schedules, and protecting parents from being forced to pay to sit with their children. There is more that should be done, however.

Toward this goal, we urge you and your colleagues on the Commerce Committee to **SUPPORT** the following amendments at markup:

- **Baldwin\_4** – Requiring investigation of complaints under Air Carrier Access Act;
- **Cantwell\_3** – Requiring air carriers to develop and regularly update an operational resiliency strategy to prevent or limit the impact of future flight disruptions on passengers;
- **Cantwell\_5** – Requiring air carriers to incorporate all applicable aviation consumer protection regulations and orders issued by the Department of Transportation into their contracts of carriage;
- **Duckworth\_5** - Improve consumer information provisions to ensure accessibility for individuals with disabilities;
- **Markey\_1** – Requiring DOT rulemaking requiring airline fees to be reasonable and proportional to the cost of providing service (FAIR Fees Act);
- **Markey\_2** – Strengthening airline refunds rulemaking by requiring airlines to cover secondary costs when the airline cause a cancellation or significant delay and allowing passengers to receive a refund when they cancel their ticket due to a health risk;
- **Markey\_3** – Requiring air carriers to submit monthly reports on refunds to DOT;
- **Markey\_4** – Requiring vouchers or credits offered in lieu of a refund be valid and redeemable by the consumer indefinitely;
- **Markey\_5** - Amending the Sec. 703 refunds section so that, when a flight cancellation or significant delay is due to the fault of airline, an air carrier must cover passengers’ resulting secondary expenses, including hotel, transportation to-and-from hotel, food, and drink;
- **Markey\_6** – Amending the Sec. 703 refunds section so that passengers need not request a refund to receive one;
- **Markey\_7** – Amending Sec. 703 refunds section so that, when a flight cancellation or significant delay is due to the fault of an air carrier, the carrier covers any resulting secondary expenses (hotel, transportation to-and-from hotel, food) as well as a

provide monetary delay compensation based on length of delay, up to a maximum of \$2,000;

- **Markey\_8** – Inserting Sec. 706 of the House FAA bill that extends requirement for aviation consumer advocate to report to Congress;
- **Markey\_9** – Inserting Sec. 702 of the House FAA bill to modernize the consumer complaint submissions requirements to remove references to toll-free hotline and other changes;
- **Markey\_21** – Good Jobs for Good Airports Act establishing a minimum wage and benefit standard for such airport service workers at large, medium, and small hub airports, and for other purposes;
- **Markey\_23** – Requiring telephone and chat lines for consumers complaints and customer service to be printed on e-tickets and boarding passes;
- **Markey\_25** – Expanding passenger rights section of 2018 FAA reauthorization law to require airlines' one-page document of passenger rights to include policies on family seating and interline agreements;
- **Markey\_26** – Authorizing state attorneys general to enforce federal aviation consumer protection laws; and
- **Markey\_27** – Strengthening cabin air safety provisions by incorporating language from the Cabin Air Safety Act, including requiring a rulemaking.

In addition, we urge you to **OPPOSE** the following amendments:

- **Blackburn\_5** – Striking Sec. 702 requirement making unrealistic or deceptive scheduling of flights an unfair or deceptive practice and an unfair method of competition; and
- **Vance\_3** – Prohibiting DOT/FAA from requiring children under 2 to be seated in a car seat or other restraining device.

Passengers deserve an to be treated fairly when they fly. We urge you to support the passengers whose tax dollars saved the airlines from bankruptcy and whose travel spending is today sustaining the industry.

Sincerely,

National Consumers League  
American Economic Liberties Project  
Business Travel Coalition  
Consumer Action  
Consumer Federation of America  
EdOnTravel.com  
FlyersRights.org  
Travelers United  
U.S. Public Interest Research Group

cc: Members of the Senate Commerce Committee

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<sup>i</sup> Bureau of Transportation Statistics. "March 2023 US Airline Enplanements Reach Within One Percent of All-Time Monthly High in 2019." (June 8, 2023) Online: <https://www.bts.dot.gov/newsroom/march-2023-us-airline-enplanements-reach-within-one-percent-all-time-monthly-high-2019>

<sup>ii</sup> Shepardson, David. "U.S. airlines to defend \$54 billion COVID-19 government lifeline," Reuters. (December 15, 2021) Online: <https://www.reuters.com/business/aerospace-defense/us-airlines-defend-54-billion-covid-19-government-lifeline-2021-12-15/>

<sup>iii</sup> Farge, Emma. "Airlines see return to profit in 2023, clash with airports," Reuters. (December 6, 2022) Online: <https://www.reuters.com/business/aerospace-defense/airlines-return-profitability-2023-iata-2022-12-06/>

<sup>iv</sup> Joseph, Leslie. "Southwest Airlines reinstates dividend after nearly three years as travel rebounds," CNBC. (December 7, 2022) Online: <https://www.cnbc.com/2022/12/07/southwest-reinstates-dividend-after-three-years-as-travel-rebounds.html>

<sup>v</sup> Singh, Rajesh Kumar. "Southwest Airlines CEO receives higher bonus despite holiday meltdown," Reuters. (April 6, 2023) Online: <https://www.reuters.com/business/aerospace-defense/southwest-airlines-ceo-receives-higher-bonus-despite-holiday-meltdown-2023-04-06/>