

March 19, 2020

The Honorable Mitch McConnell
Majority Leader
United States Senate
Washington, D.C. 20510

The Honorable Nancy Pelosi
Speaker
United States House of Representatives
Washington, D.C. 20515

The Honorable Charles Schumer
Minority Leader
United States Senate
Washington, D.C. 20510

The Honorable Kevin McCarthy
Minority Leader
United States House of Representatives
Washington, D.C. 20515

RE: Ensuring that airline relief includes consumer protections

Dear Leader McConnell, Speaker Pelosi, Leader Schumer and Leader McCarthy:

The undersigned consumer and passenger rights organizations urge you, in crafting legislation to give airlines relief in the current COVID-19 emergency, to ensure that the needs of consumers are given the prominence they deserve. Passengers are the lifeblood of the aviation industry.

First and foremost, in the immediate emergency passenger safety and health needs to be the top priority in every decision and action. But in addition, consumers should not be left bearing the financial burden of the adjustments that the airlines are making and will need to make. These essential consumer protections should include, at a minimum:

- prioritizing passenger safety and health over minimizing airline losses – following, to the extent possible, social distancing, cleaning, testing and other recommendations for coronavirus mitigation;

- requiring that cash refunds of airfares and ancillary fees should be paid to anyone who cancels flights or whose flight is cancelled by an airline;
- requiring that rebooked flights must not be at increased fares and all fares must be kept at reasonable levels so that those who still need to fly can afford to; and
- requiring that call centers be staffed to handle increased call volumes.

Even after the national emergency period has passed, the airline industry will need significant federal government support to recover. Indeed, the industry has asked the Trump Administration and leaders in Congress for grants, loans and tax relief reportedly totaling more than \$50 billion, including \$29 billion in grants, up to \$25 billion in loans, three months of tax rebates and a repeal of aviation excise taxes through at least the end of 2021.ⁱ

In considering this longer-term relief, we urge Congress to ensure that the interests of consumers are not left behind.

When the 2008 financial crisis occurred, Congress required significant reforms in conjunction with the relief it provided. Those efforts were intended to better ensure that the financial industry would not repeat the same kinds of widespread risky behavior that led to the crisis. However, those reforms did not require the financial industry to give any relief to consumers who were harmed by the impacts of that behavior. As a result, nearly ten million American families lost their homes to foreclosures overseen by the same banks that benefitted from hundreds of billions of dollars in taxpayer bailouts.ⁱⁱ

We urge Congress to heed the lessons of the 2008 financial crisis by including meaningful consumer protections in any airline relief legislation. These should include, at a minimum:

- limiting ancillary fees – such as for baggage, seat reservations, flight changes and cancellations – to what is reasonable and proportional to the costs incurred by the air carrier in providing the service;
- restoring rights of consumers and state attorneys general to file suit when air carriers engage in unfair or deceptive acts or practices and prohibiting mandatory arbitration clauses;
- stopping further constraints on passenger seating dimensions; and
- ensuring equal access to flight, fare and fee information and consistent consumer protections through all shopping channels.

A viable commercial air travel industry is necessary for a healthy economy in the United States. However, Congress should ensure that long-term relief for the airlines also includes meaningful protections for the flying public.

Sincerely,

National Consumers League

Business Travel Coalition

Consumer Action

Consumer Federation of America

Consumer Reports

EdOnTravel.com

FlyersRights.org

Travelers United

Travel Fairness Now

U.S. PIRG

cc: The Honorable Richard Shelby, Chairman, Senate Appropriation Committee
The Honorable Patrick Leahy, Vice-Chairmen, Senate Appropriations Committee
The Honorable Nita M. Lowey, Chairwoman, House Appropriations Committee
The Honorable Kay Granger, Ranking Member, House Appropriations Committee
The Honorable Roger Wicker, Chairman, Senate Commerce Committee
The Honorable Maria Cantwell, Ranking Member, Senate Commerce Committee
The Honorable Peter DeFazio, Chairman, House Transportation Committee
The Honorable Sam Graves, Ranking Member, House Transportation Committee

ⁱ Aratani, Lori. "Airline industry seeking more than \$50 billion in government aid amid coronavirus crisis," *Washington Post*. March 16, 2020. Online: https://www.washingtonpost.com/local/trafficandcommuting/airline-industry-seeking-more-than-50-billion-in-government-aid-amid-coronavirus-crisis/2020/03/16/62f21e06-67ab-11ea-9923-57073adce27c_story.html

ⁱⁱ Andres, Tommy. "Divided Decade: How the financial crisis changed housing," *Marketplace*. December 17, 2018. Online: <https://www.marketplace.org/2018/12/17/what-we-learned-housing/>