



## United States Senate

WASHINGTON, DC 20510-0504

<http://feinstein.senate.gov>

February 15, 2018

The Honorable Elaine Chao  
Secretary of U.S. Department of Transportation  
1200 New Jersey Avenue, SE  
Washington, DC 20590

Dear Secretary Chao,

I write to express serious concerns about a request to diminish or eliminate a number of important consumer protections for airline passengers.

As you know, the Department of Transportation (DOT) published a Notification of Regulatory Review (docket number DOT-OST-2017-0069) on October 2, 2017, inviting public comments on DOT rules and actions that would be “good candidates for repeal, replacement, suspension, or modification.” Last week, the Wall Street Journal reported that Airlines for America, a trade association that represents United Airlines, American Airlines, Alaska Airlines, jetBlue, and Southwest Airlines, among others, has filed 222 pages of comments asking the DOT to consider eliminating a host of consumer protections for airline passengers. These proposals include:

- Permission to charge fees for wheelchair service;
- Eliminating rules ensuring comfortable cabin temperatures for passengers in planes stuck on the tarmac;
- Eliminating the rule allowing passengers stuck on the tarmac to disembark after three hours;
- Eliminating the 24-hour grace period for a full ticket purchase refund, that would enable airlines to charge unnecessary and annoying fees to correct errors immediately discovered by their customers;
- Eliminating the rule requiring airlines to honor tickets sold for “mistake fares”;
- Permission to charge multiple fees for the same piece of checked luggage on a flight with multiple connections;
- Permission to pay for search bias on travel comparison shopping websites, such that airlines would be able to buy out the entire first page of results in lieu of organic search results; and
- Eliminating the requirement to disclose the total fare price, inclusive of fees, at the outset of an online fare search that permits fully-informed comparison-shopping.

Many of these requirements were designed to prevent the recurrence of well-publicized instances of callous disregard for the safety and well-being of passengers by various carriers. In the wake of each of these instances of terrible customer treatment, the airlines responded to the negative press by assuring the public that they were taking corrective steps and recommitting to better serving their customers. So it is with great dismay that I see many of these same airlines saying one thing and lobbying for the very opposite.

As the Ranking Member of the Senate Judiciary Committee which has jurisdiction over the nation's antitrust enforcement, I believe that in a truly competitive market, airlines would offer more consumer protections, not fewer, and compete aggressively with each other to undercut fees, not collectively raise them. To me, this raises troubling questions about the degree of competition that actually exists in an industry that has seen a wave of mergers approved by the Department of Justice's Antitrust Division in the past several years.

As you know, the mission of the Department is to "serve the United States by ensuring a fast, safe, efficient, accessible and convenient transportation system that meets our vital national interests and **enhances the quality of life of the American people**, today and into the future." (emphasis added) The priority of this Department should be protecting the rights and promoting the welfare of airline passengers, not finding ways to eliminate consumer protections in order to enhance airline profitability.

Given the lessons of the recent past, we believe it is important to reject these suggestions and ask that you publicly affirm the Department's commitment to enforcing these important consumer rights.

Thank you for your prompt attention to this important issue.

Sincerely,



Dianne Feinstein  
United States Senator