



September 18, 2018

The Honorable John Thune
Chairman
Senate Committee on Commerce,
Science & Transportation
512 Dirksen Senate Office Building
Washington, D.C. 20510

The Honorable Bill Nelson
Ranking Member
Senate Committee on Commerce,
Science & Transportation
425 Hart Senate Office Building
Washington, D.C. 20510

The Honorable Bill Shuster
Chairman
House Committee on Transportation
& Infrastructure
2165 Rayburn House Office Building
Washington, D.C. 20515

The Honorable Peter DeFazio
Ranking Member
House Committee on Transportation
& Infrastructure
2164 Rayburn House Office Building
Washington, D.C. 20515

Dear Chairman Thune, Ranking Member Nelson, Chairman Shuster, and Ranking Member DeFazio:

As you work to finalize a Federal Aviation Administration (FAA) reauthorization bill before the end of the month, the Travel Technology Association (Travel Tech) urges you and your colleagues on the Senate Commerce and House Transportation & Infrastructure committees to consider the following points and recommendations.

Oppose New Unwarranted and Untenable Requirements for Ticket Agents

Travel Tech strongly opposes language that directs the U.S. Department of Transportation (DOT) to initiate a new rulemaking that would require ticket agents to adopt unworkable and, most importantly, uncalled for industry customer service standards. There is no record of consumer harm by ticket agents – large or small, online or bricks and mortar – that warrants such an action from the federal government. In fact, DOT has been reviewing these very questions of ticket agent practices for nearly five years and has taken no action, because it is clear that no customer service deficiency exists between ticket agents and travelers.

The requirements imposed by Sec. 3127 of S.1405 and Sec. 535 of H.R.4 to make ticket agents disclose information that they do not have and cannot get (due to the lack of commercial agreements with airlines, for example), puts non-airline ticket agents in an untenable position. Further, without airline cooperation in the implementation of travel agency customer service standards – which is not mandated in either bill – agents cannot fulfill requirements such as providing prompt refunds or 24-hour holds or opportunities to cancel without penalty. Ticket agents are often at the mercy of what information the air carriers choose to provide. This includes the eligibility of and timing of processing refunds, notifications of itinerary changes, and other elements controlled exclusively by the airlines. The proposed provisions are simply unworkable and will cause more harm to consumers, not less.

Travel Tech members continue to earn their customers' loyalty every day by offering the highest level of customer service, and DOT's own data prove this. In the most recent DOT Air Travel Consumer Report, it [shows](#) that for the month of May 2018, there were 1,056 consumer complaints filed against U.S. and foreign air carriers. For the same month, there were 29 consumer complaints filed against travel agencies. This trend has been consistent [year](#) after [year](#) after [year](#), because unlike the airline industry, there is rigorous competition in the travel agent marketplace where companies must compete for business. Approximately 180 million consumers visit online travel companies every month. It is clear the American public not only relies on the convenience of shopping across multiple travel brands in a single place, but they continue to trust our members with their vacation and business travel itineraries.

In fact, DOT had this to say about Sec. 3127 and Sec. 535 in a May 23, 2018, letter addressed to Sen. Nelson:

“It is not clear that the current customer service standards that apply to airlines should apply [to] ticket agents. Some things may be under the direct control of the airline and not the ticket agent. It is also not clear that there is a problem in this area that needs to be addressed by rule. DOT has an open rulemaking on this issue and is reviewing it to determine if it is necessary.”

There is zero justification or need for new minimum customer services standards for ticket agents, and Travel Tech urges the committee to remove these provisions completely. Short of full removal, Travel Tech would ask the committees to include language ensuring that ticket agents cannot be held in noncompliance if the relevant air carriers do not cooperate in providing the necessary information to meet the new standards and requirements.

Transparency of Airline Ancillary Fees – Sec. 3108 of S.1405

Consumers shopping for flights via travel agents, online travel agents, and metasearch platforms benefit tremendously from true transparency in ancillary fees – for such options as checked or carry-on luggage, assigned or upgraded seats, and early boarding – by ensuring that they know the full cost of an itinerary prior to booking. However, these ancillary fees, just like the ticket prices themselves, are constantly fluctuating. Without applicable and current information on these fees supplied to the ticket agents from the airlines, it is possible that consumers may not have access to the information they need to make an informed purchasing decision.

Sec. 3108 as written appears to put the burden on the ticket agent to retrieve the data rather than on the airline to share it. Airline information, including the cost and availability of ancillary services, is controlled by the airlines and made available to ticket agents via commercial agreements. Airlines provide fare data electronically through intermediaries such as GDSs, and some airlines provide some fee information today via the same means. For ticket agents to be compliant with Sec. 3108, agents would have to monitor websites of *hundreds of airlines* for fee information, which can often change

without notice, in order to be sure that they have all of the relevant data. Nor can they tell from data on a static chart what an airline will charge a particular customer for a particular service, as this pricing and availability information is controlled by the airlines providing the service. Thus, Sec. 3108 proposes to place a tremendous burden on agents and sets up the distinct possibility that agents simply will not be able to comply due to lack of access to the information which, again, is controlled by the airlines. Indeed, in the same letter to Sen. Nelson in May, DOT described these provisions as “exceedingly broad, resource intensive, and of limited value to consumers.”

Today, nearly 50 percent of all air travel is booked through the independent channel (via ticket agents) and Travel Tech members are the companies that make it possible for consumers to explore, search, compare, and ultimately book travel in the palm of their hands. Travel Tech cannot support any disclosure and display requirements that do not ensure that these critical components of the full cost of travel to be paid by consumers be made available by air carriers to ticket agents through which they distribute fare and schedule information. If any DOT rule or statute obligates ticket agents to display or disclose such information, ticket agents must not be held liable for not disclosing information they do not have or cannot get from the air carriers.

We urge the committee to remove Sec. 3108 of S.1405 completely, or add language ensuring ticket agents cannot be held in noncompliance if the relevant air carriers do not cooperate in providing the necessary information to meet the new standards and requirements.

Striking the “Full-Fare Advertising” Language is Unnecessary and Harmful to Consumers

Travel Tech, along with the American Society of Travel Advisors (ASTA), strongly opposes Sec. 405 of H.R.4 as it would reduce all-in price transparency for consumers – precisely the opposite of what proponents of this language would suggest. Indeed, the language would reverse a well-reasoned DOT consumer protection regulation on this very issue that was adopted in 2011. That regulation requires the display of the all-in air fare (including taxes and mandatory fees), but also allows airlines to separately display these taxes and fees in a conspicuous format consistent with the DOT rule.

If the purpose of Sec. 405 is to allow airlines to display the level of airline taxes and fees so that the public can be advised, the current DOT regulation already allows this. While Travel Tech is sympathetic to the intention of protecting consumers by alerting them to “how much they’re paying in government imposed taxes and fees,” airlines can and do make their customers aware of additional taxes and fees under the existing law.

Sec. 405 thus attempts to fix a problem that simply does not exist, while reducing the degree of the total price transparency that DOT has sought to foster for the benefit of consumers. Travel Tech and ASTA urge the committees to remove this unnecessary and harmful language from H.R.4.

Support for Advisory Committee on Aviation Consumer Protection

Travel Tech is pleased to see Sec. 403 of H.R.4 renewing the Advisory Committee for Aviation Consumer Protection (ACACP), as well as expanding the membership of the committee to include a representative of the independent travel distribution industry. Today, half of all air travel is booked through the independent distribution channel because our members – global distribution systems (GDSs), online travel companies, and metasearch engines – make it possible for consumers to search, compare, and book travel all in one place. The evolution of the travel ecosystem has seen travel technology companies assume an irreplaceable position in the marketplace, and DOT, as well as the traveling public, will benefit greatly from having the perspective of travel intermediaries as a participant in the ACACP. Travel Tech is pleased to see this well-deserved expansion of the ACACP.

Thank you for your consideration of the important points addressed above as you endeavor to pass a long-term FAA reauthorization bill. Travel Tech looks forward to working with you and your colleagues to finalize a bill that strives to increase transparency and competition in the marketplace for the benefit of all consumers of air travel.

Sincerely,

A handwritten signature in black ink, appearing to read "Steve Shur", with a stylized, cursive script.

Steve Shur
President
The Travel Technology Association