

May 28, 2024

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

Secretary Pete Buttigieg  
United States Department of Transportation  
1200 New Jersey Avenue, SE  
Washington, DC 20590

**RE: Implementing FAA Reauthorization Consumer Protection Mandates**

Dear President Biden and Secretary Buttigieg,

The undersigned consumer and airline passenger advocacy organizations write to urge the Biden Administration and the Department of Transportation (“DOT”) to move swiftly to enact the statutory directives in the Federal Aviation Administration (“FAA”) Reauthorization Act of 2024.<sup>1</sup> Our organizations are deeply appreciative of the steps DOT has already taken under your leadership to make airline passenger protection a priority. The mandates in the 2024 FAA reauthorization law are an opportunity to do even more on behalf of the flying public.

Specifically, we urge you to act expeditiously to enact the following statutory directives:

**Nominate a pro-consumer Assistant Secretary for Aviation Consumer Protection.**

Pursuant to § 501 of the reauthorization, President Biden should nominate an Assistant Secretary for Aviation Consumer Protection whose background reflects a strong commitment to promoting the rights of airline passengers and aggressive enforcement of DOT’s passenger protection and competition promotion authority.

**Ensure that FAA initiates a rulemaking to establish minimum seat size standards.**

Congress directed the FAA to establish minimum seat size requirements in the 2018 FAA

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<sup>1</sup> [Public Law No: 118-63](#).

reauthorization law,<sup>2</sup> but FAA evaded this clear directive. In response, Congress again mandated that FAA address minimum seat sizes in § 519 of the 2024 reauthorization. We urge you to direct FAA to initiate a rulemaking rather than ignoring this urgent safety issue for another four years. DOT leadership should ensure FAA promptly and meaningfully complies with the intent of Congress to create minimum seat size standards and stop the unsafe overcrowding of passenger aircraft. This is more than a discomfort issue; it directly affects the health and safety of passengers, especially during emergency evacuations.

The establishment of minimum seat sizes has bipartisan and popular support. Legal directives to promulgate these regulations have now passed twice with overwhelming majorities from Democrats and Republicans in Congress and have been signed into law by presidents from both parties. Furthermore, the FAA received over 26,000 public comments in response to its 2022 request for comments on minimum seat dimensions. This flood of public support for FAA rules around seat sizes contained many complaints regarding safety, evacuation, and health concerns due to shrunken seating.

**Improve reporting of causes of flight delays.** § 511 of the statute requires DOT to initiate a rulemaking no later than 60 days after enactment of the law directing the Bureau of Transportation Statistics to begin tracking and reporting causes of flight delays. Such improved reporting will address concerns that air carriers are evading their refund obligations by misreporting causes of significant flight delays.

**Ensure that customer service channels are staffed by humans.** DOT should monitor compliance with § 505 of the reauthorization, establishing requirements under 49 U.S. Code § 42307 that air carriers maintain a customer service telephone line staffed by live agent within 120 days of enactment of the bill. DOT's subsequent rulemaking should ensure that the requirement that passengers can quickly and efficiently communicate with a "live agent" via communications channels is not evaded by air carriers.

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<sup>2</sup> § 577. Online: <https://www.govinfo.gov/content/pkg/COMPS-15561/pdf/COMPS-15561.pdf>

**Complete the GAO study of airline industry consolidation.** There is a lack of competition in the U.S. airline industry, with four carriers controlling an estimated 80% of the domestic market, and only two new scheduled passenger carriers launched in the last 17 years.<sup>3</sup> By some measures, the industry is today more consolidated than at any time since the dawn of commercial aviation in 1914. § 514 of the reauthorization requires the Government Accountability Office (“GAO”) to complete a study on competition and consolidation in the air carrier industry within one year of enactment. We also urge GAO to consider the effect that the proliferation of airline rewards programs and airline co-branded credit cards have on competition in the industry. ☐

We appreciate your attention to these important consumer protection issues. Our organizations stand ready to assist the Administration and DOT as the process of implementing the law moves forward.

Sincerely,

National Consumers League  
American Economic Liberties Project  
Consumer Action  
Consumer Federation of America  
Consumer Reports  
FlyersRights.org  
Public Citizen  
Travelers United  
U.S. Public Interest Research Group

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<sup>3</sup> McGee, William J. AMERICAN ECONOMIC LIBERTY PROJECT COMMENTS CONCERNING THE U.S. AIRLINE INDUSTRY RESPONSE TO “REQUEST FOR INFORMATION ON MERGER ENFORCEMENT.” DOCKET ID FTC-2022-0003 (April 2022) Online: <https://www.economicliberties.us/wp-content/uploads/2022/04/2022-04-20-AELP-DOJ-FTC-Airlines-McGee.pdf>