



April 2, 2024

The Hon. Maria Cantwell
Chair
Committee on Commerce, Science, and
Transportation
524 Hart Senate Office Building
Washington, DC 20510

The Hon. Sam Graves
Chair
Committee on Transportation and
Infrastructure
2165 Rayburn House Office Building
Washington, DC 20515

The Hon. Ted Cruz
Ranking Member
Commerce, Science, and
Infrastructure
512 Dirksen Senate Office Building
Washington, DC 20510

The Hon. Rick Larsen
Ranking Member
Committee on Transportation and
Infrastructure
2164 Rayburn House Office Building
Washington, DC 20515

Dear Chairs Cantwell and Graves and Ranking Members Cruz and Larsen:

On behalf of the American Society of Travel Advisors (ASTA), I write to reiterate the priorities of the more than 160,000 Americans who work in the travel agency sector across the country as it relates to the Federal Aviation Administration (FAA) Reauthorization Act (S. 1939/H.R. 3935). We appreciate the Committees' commitment to advancing this legislation as our nation's aviation industry recovers from the COVID-19 pandemic and faces record numbers of travelers.

Responsible for the sale of 40 percent of air travel in the U.S., travel advisors serve as an indispensable distribution role in our country's commercial aviation system and the broader travel and tourism industry. In 2023, travel agencies sold \$95.3 billion worth of airline tickets, and in 2022, leisure travel agencies represented 52 percent of air sales versus 39 percent in 2019.

As you finalize conference discussions, we respectfully urge you to consider ensuring the following provisions are included in the final bill.

Travel Agency Refund Obligations – We appreciate that the Senate bill separates ticket agents' obligations for airline refunds from those of the airlines (Section 703 §42305(e)). The risk remains that DOT will use its authority to require agencies to pay refunds to clients for cancelled or significantly changed flights out of pocket, regardless of whether

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or not the travel agency is in possession of the client’s funds – our primary concern with regard to DOT’s pending airline refunds proposal.¹ As such, we urge the conference committee to incorporate the language of Section 710(b) of the House bill, which states unequivocally, “the Secretary shall clarify that a ticket agent shall provide a refund only when such ticket agent possesses, or has access to, the funds of a passenger.” As long as instructions to DOT on this question are clear, we are indifferent as to whether DOT has one year (Senate) or 18 months (House) to finalize these regulations.

Streamline Disclosures in Offline Ticket Transactions – Section 709 of the House bill requires DOT to implement a streamlined system for fulfilling air consumer disclosure requirements during “offline” transactions (over-the-phone, face-to-face) within 18 months of enactment. Today, travel advisors are required by law and regulation to make up to seven consumer disclosures per transaction when selling air tickets. These include disclosures related to airline code sharing, insecticide spraying, price increases, baggage fees, hazardous materials and ticket expiration dates, among others. Some must be conveyed in every transaction regardless of whether it’s online, over-the-phone or face-to-face, while others can be fulfilled via the Internet or the e-ticket receipt. Others are only triggered in specific transactions (e.g., if the buyer is considering a code share flight). In most cases, failure to make these disclosures is considered an “unfair and deceptive practice” by DOT and exposes travel agencies to fines of up to \$40,272 per infraction.² For additional justification for this provision, see [ASTA’s February 2023 submission](#) to the Committees. We encourage the conference committee to incorporate Section 709 of the House bill into the final bill.

Add a Travel Agency Seat to DOT Consumer Protection Advisory Committee – Section 701 of S. 1939 expands the membership of the U.S. Department of Transportation’s (DOT) Aviation Consumer Protection Advisory Committee (ACPAC) to include foreign air carriers and disability rights groups. Sen. Jacky Rosen’s (D-NV) amendment (Rosen amendment 3) of the managers package added a seat on the ACPAC for ticket agents, the U.S.-based businesses we represent who sell 40 percent of all air tickets in this country and who have unique expertise in the real-world impacts of complex DOT regulatory proposals such as those pending on airline refunds and ancillary

¹ [Airline Ticket Refunds and Consumer Protections](#), Notice of Proposed Rulemaking, Docket DOT-OST-2022-0089, 87 Fed. Reg. 51550 (August 22, 2022).

² [Revisions to Civil Penalty Amounts](#), Final Rule, Notice of Proposed Rulemaking, Docket DOT-2022-28580 88 Fed. Reg. 1114-1132 (January 6, 2023).

fees. This amendment aligned the Senate bill with the House bill (Section 704) as well as freestanding bipartisan legislation, the ACPAC Modernization Act (H.R. 3780). We urge the conference committee to retain this provision in the final bill.

Additionally, we ask for your consideration of the following changes in the final bill. You can find more information on both these provisions in a recent [coalition letter](#) sent to the Committees.

Remove Travel Agencies from Refund Portal Requirement – Section 703 §42306 of the Senate bill gives DOT nine months to require air carriers and ticket agents to “prominently display at the top of the homepage of the covered entity’s public internet website a link that passengers eligible for a refund may use to request a refund.” This requirement raises several implementation questions that in our view require further study, including whether ticket agents who sell a *de minimis* amount of air tickets – a population that looks set to grow³ – would be required to undertake such an expensive web redesign. Absorbing this cost would be especially difficult for the small independent contractor travel advisor who may facilitate travel on a part-time basis. The extent to which this provision is practical for travel management companies (TMCs) that specialize in business and government travel, whose clients manage travel using private software, should be considered. Further, this requirement ripens after nine months, whereas the section prior gives DOT one year to finalize regulations. Given these questions as well as those related to the costs and benefits of such a requirement, we believe this issue should be left to the regulatory process and that ticket agents should be removed from the list of Covered Entities in Section 703 §42306(b).

Exempt Corporate Travel Agencies from Ancillary Fee Disclosure Requirements – We appreciate that Section 705 of the Senate bill (“Disclosure of Ancillary Fees”) provides ticket agents flexibility in terms of how fee information is presented to consumers (705(a)) and a protection against DOT enforcement against agents in cases where carriers do not share ancillary fee data (705(b)). At the same time, we respectfully urge the committee to make a further enhancement to this section, one that DOT is considering making in its rulemaking on ancillary fees,⁴ and exempt corporate travel

³ See Silk, Robert. “[The State of Booking Air: A Travel Weekly poll indicates that selling air travel has become more onerous than ever for agencies and advisors.](#)” June 19, 2023.

⁴ [Enhancing Transparency of Airline Ancillary Service Fees](#), Notice of Proposed Rulemaking, Docket DOT-OST-2022-0109, 87 Fed. Reg. 63718 (October 20, 2022).



agencies altogether. Exemption from this section is warranted because the business travel market differs substantially from the leisure market. Demand-side considerations in leisure travel services are different from those for business travel services, principally due to the fact that leisure travel is less frequent, is specific to one individual (or one group) and does not typically require the same level of pre-trip support, advisory services, account management or other ancillary services. Furthermore, many of the concerns expressed by committee members (and largely shared by ASTA) regarding consumer confusion about the total cost of travel in an unbundled air travel marketplace simply do not apply in the context of corporate travel. It is the business that generally pays the fees, and not the individual traveler. And while business entities are cost conscious when it comes to travel, the consumer protection concerns here are not the same as with a leisure traveler. Lastly, there is a statutory precedent for making a distinction between corporate and leisure travel when it comes to aviation consumer protection. As part of the FAA Reauthorization Act of 2018, the Department was instructed to issue regulations setting minimum customer service standards for large ticket agents, but to exempt those ticket agents who provide services pursuant to a corporate contract.⁵

We thank you again for the months of hard work you've put in on this critical legislation, and we appreciate your consideration of our views on behalf of the more than 160,000 Americans who work at travel agencies across the country. If you or your staff have any questions on these or any issues related to the travel industry, please don't hesitate to contact ASTA Vice President, Advocacy, Jessica Klement at jklement@asta.org.

Yours Sincerely,

Zane Kerby
President and CEO

⁵ Pub. L. 115-254, § 427.