

United States Senate

WASHINGTON, DC 20510

March 17, 2020

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

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

The Honorable Richard Shelby
Chairman
Committee on Appropriations
United States Senate
Washington, D.C. 20510

The Honorable Patrick Leahy
Vice Chairman
Committee on Appropriations
United States Senate
Washington, D.C. 20510

Dear Leader McConnell, Leader Schumer, Chairman Shelby, and Vice Chairman Leahy:

We write to request that you include enhanced consumer and labor protections in any emergency spending package designed to help the airline and cruise industries affected by the coronavirus. Yesterday, a trade association representing the major U.S. airlines requested close to \$60 billion in financial assistance due to economic impact of the coronavirus.¹ President Trump has meanwhile expressed support for additional aid to other travel industries like cruise lines.² While we agree that financial assistance may be necessary for some of our industries most impacted by the ongoing pandemic, we strongly believe that any such legislation must include conditions that will protect both consumers and workers in the travel industry.

The prevalence of anti-consumer conduct in aviation is on the rise, as demonstrated by price gouging, involuntarily denied boarding, shrinking seats, baggage mishandling, and more.³ We cannot permit the airline industry to obtain federal assistance to weather the coronavirus and then return to these predatory business practices after the crisis. We must also avoid repeating the mistakes of the airline bailout that Congress enacted after the September 11th attacks, through which we provided cash, loans, and insurance to help the industry without offering sufficient protections to employees. As a result, the bailed out carriers paid shareholders but not front-line

¹ David Shepardson and Steve Holland, *U.S. airlines seek \$50 billion coronavirus bailout to avoid collapse*, Reuters (Mar. 16, 2020), <https://www.reuters.com/article/us-health-coronavirus-usa-aviation/us-airlines-seek-50-billion-coronavirus-bailout-to-avoid-collapse-idUSKBN2132V5>.

² Hannah Sampson and Meryl Kornfield, *Trump offers support for cruise lines during coronavirus outbreak – while asking them to stop sailing*, Wash. Post (Mar. 13, 2020), <https://www.washingtonpost.com/travel/2020/03/13/trump-offers-support-cruise-lines-during-coronavirus-outbreak-while-asking-them-stop-sailing>.

³ Christopher Elliott, *Is Now The Time For An Airline Passengers' Bill Of Rights?*, Forbes (Aug. 25, 2019), <https://www.forbes.com/sites/christopherelliott/2019/08/25/airline-passengers-bill-of-rights/#7a0ba86645aa>.

workers, and employees were forced to concede billions of dollars in wage and retirement concessions after many airlines ultimately declared bankruptcy.⁴

Last week, the Cruise Lines International Association announced that its members would ban all operations to and from U.S. ports for 30 days.⁵ This is a welcome step in response to the coronavirus pandemic, but we have concerns about the inadequate health and safety standards aboard these ships should operations restart. A unique and complex set of international rules governs the operations of the ship and the health and safety of passengers. Unfortunately, these rules seem to be designed to protect the cruise ship industry from any kind of liability, rather than to protect the health and safety of passengers. Incident after incident has proven the existing framework is insufficient and there remains more work to be done to protect passengers. We cannot permit the cruise line industry to obtain federal assistance to overcome the coronavirus until – at the very least – the industry adopts necessary medical and safety standards.

In light of these historical lessons, as well as the current need to protect travelers and workers alike, we request that you include the following language in any travel industry bailout package:

- A prohibition on airlines charging fees, including cancellation, change, and bag fees, that are not reasonable and proportional to the costs of the services actually provided;
- A requirement that the Federal Aviation Administration finalize its minimum seat size requirements (pitch and width) within 90 days of passage of a stimulus bill;
- A requirement to improve air travel safety and close service gaps for passengers with disabilities;
- A prohibition on any airline or cruise line company from waiving liability for past actions of the company;
- A requirement that an emergency physician and a sufficient number of qualified medical staff members are always available and present on a cruise ship;
- A requirement that passengers on a cruise ship are given an initial safety briefing on the ship's medical facilities and procedures;
- A requirement that cruise ships are in compliance with leading health care guidelines, and that every crewmember has received basic life support training and is certified in cardiopulmonary resuscitation;
- A requirement that any direct assistance to affected industries will be tied to keeping front-line workers employed and sharing the benefits with employees;
- A prohibition on subsequent stock buy backs, increased executive compensation, and other, non-workforce expenses; and
- Preventing any company that accepts financial assistance from rejecting or abrogating collectively bargained agreements during any bankruptcy proceeding for 5 years following the last payment of such assistance.

⁴ Leslie Josephs and Lauren Hirsch, *No blank check for airlines seeking coronavirus aid after spending \$39 billion on stock buybacks, unions say*, CNBC (Mar. 17, 2020), <https://www.cnbc.com/2020/03/17/coronavirus-airline-aid-must-include-worker-protections-unions-say.html>.

⁵ Amir Vera, *Major cruise lines suspending operations at US ports for 30 days over coronavirus pandemic*, CNN (Mar. 13, 2020), <https://www.cnn.com/travel/article/cruise-line-suspensions-coronavirus/index.html>.

Thank you for your attention to this important matter.

Sincerely,

EDWARD J. MARKEY
United States Senate

RICHARD BLUMENTHAL
United States Senate

SHELDON WHITEHOUSE
United States Senate

TAMMY BALDWIN
United States Senate