

## **Report of the Advisory Committee on Aviation Consumer Protection**

February 28, 2014

The Advisory Committee on Aviation Consumer Protection (ACACP) met on May 21, 2013, and on December 16, 2013. The May meeting took place at the U.S. Federal Aviation Administration (FAA) headquarters building in Washington, D.C., and the December meeting took place at the U.S. Department of Transportation (DOT) headquarters building in Washington, D.C., both with Chairperson Illinois Attorney General Lisa Madigan and committee members Deborah Ale Flint, Director of Aviation at Oakland International Airport, David Berg, Senior Vice President of Airlines for America, and Charles Leocha, Director of the Consumer Travel Alliance, in attendance. Following is a brief summary of the meetings followed by the recommendations reached by the Committee in accordance with their Charter (established pursuant to section 411 of the Federal Aviation Administration [FAA] Modernization and Reform Act of 2012, Pub. L. No. 112-95, 126 Stat. 11 [2012]).

The second ACACP meeting had been scheduled for October 8, 2013, but due to the federal government shutdown, the meeting was canceled and rescheduled to December 16, 2013.

### **MAY 21, 2013 MEETING SUMMARY:**

Chairperson Attorney General Lisa Madigan welcomed the Committee and attendees and outlined the meeting agenda: (1) updates from the Department of Transportation (DOT) on various pending consumer protection rulemaking proceedings and other actions; and (2) a discussion of privacy of air travel consumer personal information.

The following presentations were offered at the meeting:

### **Implementation of ACACP October 2012 Recommendations – Tim Kelly, Team Leader for Aviation Consumer Protection, DOT**

Mr. Kelly outlined the following DOT measures responding to the ACACP's 2012 recommendations concerning travelers with disabilities:

1. The DOT secretary will send letters to the associations for U.S. and foreign air carriers and for airports encouraging them to urge their members to (a) take voluntary steps to improve the travel experience for travelers with disabilities, and (b) work with TSA on a plan to assist travelers with disabilities during lengthy layovers by returning specially made passenger wheelchairs at connecting airports upon request.
2. In response to the Committee's recommendations concerning the accessibility of airport kiosks and airline websites, as well as appropriate access to airport service animal relief areas, pertinent rulemaking proceedings are underway at DOT addressing each of these issues.

To prevent discrimination based on race, religion, national origin, and gender, Mr. Kelly stated that the Secretary of Transportation will address a letter to carrier associations referencing federal

statutes prohibiting such discrimination and stressing the benefits of training employees on compliance with these statutes.

As to consumer matters, Mr. Kelly outlined the following measures already taken or to be taken by DOT in response to the ACACP's 2012 recommendations:

1. DOT will revise its complaint acknowledgment communications to include the consumer's case number and an email address and phone number consumers can use to ask questions about their complaints. If a consumer complaint is addressed by a DOT rule, the letter will include a statement that DOT will send the complaint to the carrier, and that the carrier must acknowledge the complaint within 30 days and respond to the complaint within 60 days.
2. The DOT has added to its website new consumer frequently asked questions and answers that are available from the DOT home page and the Aviation Consumer Protection page.
3. The Secretary of Transportation will write to the carrier associations to express interest in an industry working group to define terms used in contracts of carriage and customer service plans. The results of this working group effort will be posted on the DOT website.

Mr. Kelly pointed out that Consumer Rule II now requires airline websites to disclose fees for optional services, and that the upcoming Consumer Rule III will address the display of ancillary fees through all sales channels, including through Global Distribution Systems (GDSs). Consumer Rule III also will address: (a) whether ticket agents, including online ticket agents, will be required to disclose other carriers and fares that are available for the routes being queried; and (b) the possible expansion of carrier reporting of on-time performance data to cover smaller carriers that currently are exempt from such reporting requirements.

**Rulemaking Activities** – Blane Workie, Principal Deputy Assistant General Counsel, DOT (currently Acting Assistant General Counsel)

Ms. Workie outlined the nine active DOT aviation consumer rulemaking proceedings and provided a status report on each.

**Enforcement Activities and Initiatives** – Jonathan Dols, Deputy Assistant General Counsel, DOT

Mr. Dols discussed the DOT's aviation enforcement jurisdiction, which primarily involves economic activities of the air transportation industry, including direct and indirect carriers and ticket agents. DOT-regulated areas include civil rights, unauthorized operations, advertising practices, tarmac delays, chronically delayed flights, refunds, and baggage liability. Consumer Rule II expanded the DOT's enforcement responsibilities.

The DOT enforcement cases can come from consumer complaints, competitor complaints, or from findings during a DOT onsite inspection. If the DOT determines a violation has occurred, it has a variety of law enforcement tools available to it. Informal proceedings are the most commonly used tools. Enforcement proceedings can range from a non-punitive warning letter to a formal consent order assessing civil penalties. Criminal sanctions can be imposed in rare cases.

**Data Privacy and Air Travel** – The Committee asked to be briefed on issues of consumer privacy to determine whether this was a significant issue facing consumers.

Introduction – Charles Leocha, Consumer Travel Alliance and ACACP member

Mr. Leocha stated the importance of protecting traveler personal information. He expressed concerns about federal preemption of state privacy laws as applied to airlines and about how the travel industry uses and discloses traveler personal information. Mr. Leocha expressed a desire for industry best practices concerning traveler privacy.

DOT Authority – Robert Gorman, Senior Attorney, C-70, DOT

Mr. Gorman explained that carriers are legally required to collect certain personal information about travelers. Federal privacy law does not address airlines specifically, although the DOT's jurisdiction over air carriers and ticket agents includes jurisdiction over unfair and deceptive practices, which can include privacy concerns. For example, if a carrier violates its privacy policy, the DOT could determine such action to be an unfair or deceptive practice. The DOT takes into account the case-specific facts and circumstances in determining whether a carrier or ticket agent has committed an unfair or deceptive act or practice when it uses or discloses travelers' private information.

DOT also has jurisdiction over air carriers under the Children's Online Privacy Protection Act. Federal law generally preempts state privacy laws as applied to air carriers.

Federal Trade Commission (FTC) Current Requirements – Jonathan Zimmerman, Senior Attorney, Division of Privacy and Identity Protection, FTC

Mr. Zimmerman outlined the general approach that businesses should take to protect the sensitive personal information they collect about their customers and highlighted some FTC enforcement actions against companies which failed to take the necessary precautions to protect personal information in its possession. He also made the following observations about privacy requirements:

1. Generally, companies must take steps to protect the personal information they collect from their customers from unauthorized disclosures. First, they should determine what information they collect, why they collect it, what they do with it, and what they tell their customers about what they collect, how they use it, and how they protect it. These requirements can be expressed in three principles: (1) adopting privacy by design; (2) simplifying privacy choices; and (3) improving transparency.
2. The FTC employs various business education and outreach methods to inform businesses of their duty to protect their customers' private information.

State Privacy Laws – Nigel Howard, Partner, Covington and Burling

Mr. Howard offered the following observations regarding state privacy laws:

1. The preemption of state laws as applied to airlines is appropriate, in that it avoids potentially conflicting sets of requirements from various states and makes compliance easier. One example he cited was varying state data breach laws.
2. Although federal law preempts most state laws as applied to airlines, state laws contribute to and inform the travel industry's privacy practices. Mr. Howard specifically referenced California requirements regarding clarity, transparency, and prominence of online privacy policies and Massachusetts and Nevada prescriptive data security requirements.
3. Airlines have an incentive to comply with state privacy laws even though they are not technically required to do so because of preemption, because of their desire to preserve customer relationships. However, Mr. Howard pointed out that GDS do not have a similar incentive, as they do not have direct customer relationships.

Airline and Industry Background: Airline Presenters

Russell Hubbard, American Airlines  
Aileen Cronin, Alaska Airlines  
Kali Wilson-Beyah, Delta Air Lines

Ms. Wilson-Beyah indicated that airlines are heavily regulated by multiple federal agencies and statutory frameworks, and that airlines are required to collect certain personal information from travelers.

Mr. Hubbard pointed out that various entities during the travel process collect traveler data, such as carrier websites and call centers, brick and mortar travel agencies, online travel agencies, metasearch engines, and general search engines. He stated that data is used for a variety of purposes, some of which are required in order to provide services (for example requiring wheelchair assistance) or to comply with loyalty programs, and some of which may be used for other purposes consistent with privacy policies. Mr. Hubbard further noted that all airlines, at least among the scheduled passenger airlines, have privacy policies and must continue to ensure protection of personal information.

Ms. Cronin identified the generally accepted privacy principles that guide airlines, which have customer satisfaction incentives to protect personal information regarding the collection, use, and protection of personal data. She also identified numerous specific technical standards and frameworks airlines utilize for their information security programs.

Airline and Industry Background: GDS Representative – Michael Vatis, Partner, Steptoe & Johnson, LLP

Mr. Vatis stated that GDSs obtain some traveler personal information from carriers and travel agents in order to book travel and do not share this information with third parties unless required by law or as necessary. He further stated that GDSs hold personal information for 72 hours after a flight before disposing of it but hold onto some data for as long as three years in order to resolve potential billing disputes.

Mr. Vatis noted that GDSs have programs designed to protect personal traveler information, such that collection is limited to mandatory information and is not shared with other agents. He

observed that European Union laws are more protective of traveler data than U.S. laws, and EU data cannot be shared with U.S. businesses unless they certify they will abide by EU Safe Harbor principles.

#### Airline and Industry Background: Travel Agent Presenters

Stan Brown, Omega World Travel

Paul Ruden, American Society of Travel Agents

Mr. Brown stated the information his travel agency collects about its customers includes frequent flyer number, mobile phone number, email address, special requests, and corporate discount numbers. His business places a high importance on keeping this information secure, putting in place a secure data network and periodic updates to security and privacy policies. He never gives customer information to third parties without permission and never sells client lists.

Mr. Ruden read a statement from a group of online travel agencies stressing the deep commitment the major online travel companies have made to protecting their customers' personal information. This commitment includes taking the necessary steps to safeguard the information, such as enforcing their privacy policies, obtaining third party privacy group certifications, complying with the EU Safe Harbor requirements, and strict contractual provisions with their vendors and suppliers concerning their treatment of customer information.

#### Consumer Viewpoints – Edward Hasbrouck, Independent Consumer Advocate

Mr. Hasbrouck stated that industry problems pertain to their business practices, not their privacy policies, and that industry members do not inform consumers to whom the industry members disclose consumer data. He noted that industry airfare pricing practices are opaque, and the collection and retention of personal information leaves consumers vulnerable to hackers and stalkers, particularly from insiders with access to the information. He expressed concern that some travel industry members may have experienced intrusions that they did not disclose because no data was taken. He urged the DOT to place more privacy information on its website and to create a working group to address privacy concerns.

#### Airline/Consumer Panel Discussion

Committee members and audience members discussed that a company's privacy policy is the best place to start when a traveler has a question about how the company treats its customers' information. The privacy policy typically contains a point of contact at the company for further questions.

The DOT clarified in response to a question that for codeshare flights, the marketing carrier's privacy policy applies to the flight.

An airline representative stated in response to a question that airlines keep personal data between 30 days and 8 years, depending on the category of information.

Airline representatives stated in response to a question that they report data breach incidents when they occur, and several representatives pointed to an example of a breach disclosure. The DOT pointed out that the airline industry is competitive, which provides an extra incentive for the industry members to protect their customers' sensitive personal information. DOT receives very few complaints

about the use or protection of consumer data, or compliance with privacy policies by the parties in the distribution chain.

#### DECEMBER 16, 2013 MEETING SUMMARY:

Chairperson Attorney General Lisa Madigan welcomed the Committee and attendees and outlined the meeting agenda that included: (1) updates from the DOT on various pending consumer protection rulemaking proceedings and other actions; and (2) a discussion of privacy of air travel consumer personal information.

The following presentations were offered at the meeting:

#### **Update on Implementation of ACACP October 2012 Recommendations** – Jonathan Dols, Deputy Assistant General Counsel, DOT

Mr. Dols provided the following update on the DOT's responses to the ACACP's 2012 recommendations:

1. The Secretary of Transportation sent a letter to carrier associations and airport associations on June 19, 2013, that refers to federal statutes prohibiting discrimination on the basis of race, religion, national origin, or gender and stressing the benefits of training employees on compliance with these statutes. The Secretary's letter also urged carriers and airports to develop ways to return customized wheelchairs to travelers during lengthy layovers whenever possible.
2. A final rule concerning kiosk and website accessibility was published in the Federal Register on November 12, 2013. The new rule requires that primary airline websites marketing air transportation to consumers in the U.S. meet the accessibility standard by December 12, 2016, and that all new kiosks installed after December 12, 2016, in a location at a U.S. airport meet the accessibility standard until 25% of the kiosks in that location are accessible. A separate rulemaking to address designation of service animal relief areas is also underway.
3. In order to assist travelers with understanding the terms of their agreements with carriers, the DOT sent a letter to airport associations and carrier associations asking them to develop a list of common contract terms and their definitions. The DOT intends to publish those terms and definitions on the DOT website in late February 2014.
4. As to consumer complaints filed with the DOT, the aviation consumer division has revised its complaint acknowledgment letters to include a complainant's case file number and contact information for the DOT aviation consumer division so that the complainant can request status updates on the complaint if desired. Also, the DOT has posted consumer FAQs on its website to assist consumers with understanding the complaint handling process.

Mr. Dols gave an overview of key provisions in Consumer Rule II, which among other things, requires U.S. and foreign air carriers to disclose on their websites all fees for optional services. He also discussed the upcoming Consumer Rule III rulemaking, which is expected to further address pricing transparency, including whether to require disclosure of ancillary fees to consumers through all sales changes and if so, whether to require airlines to provide their optional fee information to Global Distribution Systems.

Mr. Dols stated that Consumer Rule III is further expected to address ticket agent disclosures as to its online flight search results, including whether ticket agents should be required to disclose to passengers that they do not provide on their website flight and fare information for all carriers that serve a particular city-pair market, and that other flights and fares may be available from airlines not identified on their websites. He remarked that the DOT issued guidance to ticket agents about these disclosures in August 2013. Finally, he noted that Consumer Rule III also will address on time reporting for smaller carriers that currently are not required to report this information.

### **Posting Consumer Rights Information at U.S. Airports**

EU Experience – Pedro Garcia-Gracia, DG MOVE, European Commission, joined the meeting via webcast. Mr. Garcia-Gracia spoke about posting of aviation consumer rights in European airports to inform travelers of their rights when they are denied boarding, when their luggage is lost, when flights are canceled or delayed, their right to price transparency, and their rights when they have a disability or limited mobility. Consumer rights information has been distilled into one page posters with pertinent information on each topic that are voluntarily posted at airport entrances, security checkpoints, waiting areas, baggage claim areas, and other areas in European airports. The airport chooses where to display brochures. The information is on relevant EU websites and on a mobile app developed by the EU available for download. Although the airlines and airports initially resisted this information dissemination, Mr. Garcia-Gracia reported they have found over time that the information is helpful to consumers. This is done on a voluntary basis and is applied consistently to all modes of transportation.

Airline Presentation – Laura McKee, Vice President, Airline Services, Airlines for America, stated that U.S. airlines have achieved very high performance levels, according to DOT reports of flights completed, on-time performance, delays and cancellations, denied boarding, and mishandled bags. For this reason, she stated that the posters are not needed because the idea is a solution in search of a problem.

Also, she stated that American travelers do not experience any difficulty finding relevant consumer protection information, because that information is available on airline and DOT websites. The posters do not provide any new information and ultimately direct travelers to the customer service person, which is where they would end up anyway. The airlines have invested a lot of money and resources in customer service and believe that customer service is an area where the airlines compete with one another.

Airport Presentation – Matt Cornelius, Airports Council International-NA, agreed there is no need to post consumer rights information. Also, airports rely on advertising revenue to support their operations, so they are opposed to being required to use space that could be sold for advertising revenue to provide information for free. Such a requirement likely would result in costs being passed on to airlines and travelers. Also, airlines may sublet their airport space and may not be able to control that airline's practices.

Mr. Cornelius also stated that posting consumer rights posters is impractical because it distracts from important information such as way-finding signage. If too much information is posted, it can result in traveler confusion and bottlenecks.

Finally, Mr. Cornelius stated that if airports are required to post consumer rights information, they should have regulation parity with ports and train stations and other hubs of transportation.

Committee Member Comments – Committee member Deborah Ale-Flint stated that, as an airport director, she opposes such signage because message effectiveness is a concern. Committee member Charlie Leocha stated that he believes the information is important because the Consumer Travel Alliance receives numerous consumer complaints and more complaints than the DOT receives. However, he is open to providing consumer protection information in other formats, such as on customer itineraries, in a mobile app, or in videos. Committee member David Berg stated that posters are a step backward in terms of technology and interfere with passengers finding where they need to go in the airport.

Committee Chair Lisa Madigan pointed out that better information about big picture events that are affecting a particular airport is needed and would be useful. For example, if a flight is canceled due to mechanical issues and passengers are entitled to rebook their flight, displaying that information on a video screen would be helpful. If a flight is canceled due to mechanical issues and if there are no more flights the same day to get them to their destination and passengers who need a hotel room are entitled to a hotel voucher, then displaying that information on a video screen would be helpful. If a weather event is delaying incoming or outgoing flights on a particular day, that information would be helpful to display on a video screen. The messages could be coupled with instructions on how to respond to the information (for example, visit the agent counter, check the departure screens for updated information, etc.)

### **Delays in Clearing Passengers Arriving on International Flights through U.S. Customs and Border Protection Facilities at U.S. Airports**

Industry Perspective – Matt Cornelius, from the Airports Council International- North America, stated that travelers experience significant delays when going through customs at U.S. airports compared to relatively short wait times overseas. He indicated that the airlines and airports are working together with U.S. Customs and Border Protection (CBP) to improve wait times and maximize limited resources. The industry is encouraging CBP to automate certain parts of the process, such as passport kiosks, and efforts in this regard have proven extremely successful thus far at Miami, Dallas-Fort Worth, and JFK airports. The industry also would like more information about customs staffing priorities and plans and is advocating for more resources for staffing at air ports of entry. In the long-term, future arrivals facilities will need to be designed around a more efficient process and the industry is looking forward to working with CBP to help design those guidelines. The industry is considering developing its own process and charging a fee for it, and is considering future design plans for customs clearance areas.

Government Perspective – Cheryl Peters, Customs and Border Protection, Office of Field Operations, confirmed that CBP has experienced a resource shortage over the past few years and is not able to hire as many agents as they would like to hire to meet demand. Also, they have dedicated a lot of staff to policing the southern U.S. border over the past several years. In addition, current airport facilities are not ideally designed to accommodate security and space needs. They are working with the industry to identify some solutions to maximize the resources they do have to reduce wait times. The trusted traveler program is expected to provide some assistance because passengers can obtain pre-clearance status if they meet certain criteria, are approved, and pay a fee.

Business Travel Group Perspective – Shane Downey of the Global Business Travel Association indicated that business travel groups support all initiatives outlined in this discussion. The automated



passport kiosks have helped somewhat. The Global Entry program is a good idea but it takes a long time to be approved.

### **Privacy and Airline Customized Pricing**

Market Research About Aviation Consumer Purchase Habits – John Thomas, Managing Director and Partner, L.E.K. Consulting, spoke about his survey of air travelers and analysis of information he obtained from that survey. The traveling public consists mostly of business and pleasure travelers. Air travelers can choose less expensive fares which come with less flexibility and fewer amenities. On the other hand, they can pay more for more options and more convenience. He raised the concept of air travel personalization and indicated that consumers have come to expect personalization options in all areas of the marketplace.

He stated that the Office of Fair Trade in the United Kingdom found that information obtained during the airline customized pricing process was not used to set higher prices due to the reputational risks the carriers faced if they would raise prices. Air travel consumers tend to seek the least expensive fare, and then some are willing to pay for add-on amenities.

Legality of Customized Offers – Dana Rosenfeld, partner, Kelley Drye & Warren, stated that nothing is inherently deceptive in the concept of marketing and packaging airline customized pricing. She cited potentially similar examples such as energy smart meters, taxi deregulation, and loyalty or membership programs. Ms. Rosenfeld explained that deception or unfairness can come in if misrepresentations are made about the program, such as the purposes for which the collected information is used.

Open Allies for Airfare Transparency – Andrew Weinstein, Executive Director of Open Allies for Airfare Transparency, an advocacy group with over 400 member companies, including the largest online travel agencies, GDSs, and travel management companies – organizations representing tens of millions of travelers, spoke on behalf of Open Allies for Airfare Transparency. He spoke about the difference between the airline version of customization where airlines collect data about travelers and then present customized offers, and the Open Allies/consumer view of personalization where travelers can select services desired from a menu of choices provided by the airlines. He stated that one version puts the airlines in control of the process and the other puts the consumers in control of personalization. The group values transparency, choice, competition, innovation, and privacy in air travel choices.

Committee member Leocha presented a video that shows cutting edge “personalization” done in the background, within milliseconds, by one marketing company, Sociomantic. Their software uses data in airlines’ databases for marketing purposes, which causes concern among consumer advocates.

Leocha noted that the committee should be aware of these personalization developments so that consumers can know what factors may be used in order to shape the airfare and other offers the airlines present to them. He also stated he believes it is important for consumers to be able to correct any information that is found to be erroneous, and that some airlines may collect information on their passengers’ annual pay and the value of their homes.

## Presentations from the Public

Flyersrights.org – Paul Hudson, Board President, Flyersrights.org, a non-profit airline consumer rights organization, stated that air travelers need a passenger bill of rights. He discussed the impact of airline regulation, stating that prior to the Airline Deregulation Act of 1978, the Civil Aeronautics Board approved fares, flight schedules, conditions, and standards of service. Mr. Hudson asserted that since 1978, deregulation has led to increasing airport congestion as special interests have blocked airport expansion and airlines have replaced wide-body aircraft with narrow-body aircraft, negating a principle strategy for increasing airport capacity.

The 8 principles that the organization believes are essential to air travel consumers: (1) a right to a ticket at a fair price; (2) the right to be treated well; (3) airline honesty as to flight status and cancellation reasons; (4) a safe plane with a rested crew; (5) the right to be off the tarmac within 3 hours; (6) the right to have your baggage arrive on time or be compensated for your loss; (7) the right to be treated like a human being with proper food, drink, toilets, and adequate seat room; and (8) privacy of your sensitive personal information that the airlines have about you.

The top 3 passenger demands are: (1) seat space with a moratorium on further seat size reduction; (2) a definition of airfare and service with a full disclosure of total cost and what is included with that cost; and (3) a practical means of recourse against an airline when needed.

Spirit Airlines has 74 optional fees. Mr. Hudson contends that many airlines charge reservation change fees of as much as \$200. In some cases, it is difficult or impossible to determine bag fees for trips that have more than one leg. Mr. Hudson called on the DOT to enforce its regulations governing unfair and deceptive practices in the area of fees. Blane Workie responded that consumers can file complaints with the DOT about airline practices, and that the DOT looks for allegations of law or regulation violations when it receives complaints. The DOT currently has jurisdiction over unfair and deceptive acts by airlines.

Committee Member Berg pointed out that *American Airlines v. Wolens*, the U.S. Supreme Court case upholding the preemption provision of the airline deregulation act, permits passengers to bring breach of contract cases in state court.

National Consumers League – Sally Greenberg, Executive Director, and John Breyault, Vice President of Public Policy, Telecommunications and Fraud, National Consumers League, referenced a recent NCL report that analyzes airline fares and change fees. According to the report, trip change or cancellation fees on non-refundable tickets or refundable tickets are often prohibitively expensive and do not appear to be related to actual expenses the airline incurs. Because of these fees, consumers often opt to purchase travel insurance in the event that they must change their travel plans. These insurance policies are aggressively marketed in some cases and often have exclusions of which the consumer may not be aware.

NCL proposes some reforms of travel insurance and airline change/cancellation fees: Congressional hearings; improved marketing of travel insurance; making travel insurance loss ratios publicly available; tiering travel cancellation fees according to proximity of travel date; eliminating change fees; and eliminating standby fees.

## **Future Recommendations to the Secretary on Consumer Protection Measures-**

The committee discussed possible committee recommendations to be included in the report.

### **Committee Recommendations**

After considering the testimony and discussions presented at the meetings of the Advisory Committee, the personal air travel experiences of its members, and information generally available about air travel, the Committee makes the following recommendations:

#### **Privacy**

1. The Committee recommends that DOT take steps to make consumers aware they can file privacy complaints with DOT and revise the DOT website to advise consumers how to file a privacy complaint with DOT.
2. The Committee recommends exploring industry privacy practices.

Committee member Berg suggested setting up a meeting regarding privacy practices among privacy groups, consumer groups, airlines, and others in the travel distribution chain to discuss issues the privacy and consumer groups can identify regarding airline, travel agent, and GDS practices. Committee member Leocha agreed with this suggestion and will work together with Committee member Berg to facilitate such a meeting and report to the committee.

#### **Aviation Consumer Rights- Airport Posters and Other Informational Campaigns**

3. The Committee recommends that the DOT update its flyer rights brochure, *Fly Rights*, to ensure that it is written in plain language and covers topics such as rights in the event of denied boarding, delayed or canceled flights, or mishandled, lost, or stolen luggage.

U.S. air travelers could benefit from having the DOT provide easier access to this type of information to assist them in exercising their rights.

4. The Committee recommends that the Secretary encourage airlines and airports to consider methods to enhance consumer access to information about their rights in the event they encounter problems such as flight delays, cancellations, or mishandled, lost, or stolen baggage.

As airports and airlines continue to develop their online and mobile presence, they should explore effective and creative ways to communicate such information to consumers.

### **Efforts to Shorten Passenger Customs Processing Times**

5. The Committee recommends that the Secretary transmit a letter to the Secretary of Homeland Security and the Commissioner of U.S. Customs and Border Protection (CBP) reflecting appreciation for the efforts to date that CBP has undertaken to improve its staffing models and to adopt new technologies that improve the efficiency of passenger processing times at all ports of entry to address extremely long customs processing times that international passengers experience in many U.S. airports, and to urge them to continue working with stakeholders to improve processing times and enhance transparency regarding CBP charges and fees.

Reducing passenger processing times and increasing officer availability are critical for the viability of the nation's international travel, tourism, and economic development objectives. These improvements are also expected to reduce the number of international flights that cannot be accommodated at the nation's airports. The Committee recognizes and appreciates that safety and security must remain DHS' and CBP's first priorities.