

August 24, 2020

Chairman Peter DeFazio
House Transportation and Infrastructure Committee
2165 Rayburn House Office Building
Washington, DC 20515

Dear Chairman DeFazio:

The National Disability Rights Network (NDRN) would like to thank you for introducing the Healthy Flights Act of 2020 (H.R. 7867). NDRN applauds the introduction of this bill as it will better protect those traveling by air, including individuals with disabilities, as the COVID-19 pandemic runs its course.

NDRN is the voluntary membership association for the nationwide network of Protection and Advocacy (P&A) and Client Assistance Program (CAP) agencies. The P&A and CAP agencies are congressionally mandated, cross disability organizations operating in every state in the United States, the District of Columbia, Puerto Rico, and the U.S. Territories (American Samoa, Guam, Northern Mariana Islands, and the US Virgin Islands). There is also a P&A and CAP affiliated with the Native American Consortium which includes the Hopi, Navajo, and San Juan Southern Paiute Nations located in the Four Corners region of the Southwest.

Many people with disabilities are particularly vulnerable to COVID-19 and are at increased risk of severe illness if they contract the disease. Therefore, we are particularly supportive of the mask requirement provision in the bill with exemptions for certain classes of people with disabilities in order to protect all passengers while also protecting the rights of passengers with disabilities. The absence of a federal mask mandate with exemptions for people with disabilities has led many major U.S. air carriers to implement mask policies that disregard the needs of people with disabilities and run contrary to both the Air Carrier Access Act (ACAA) and the federal government's guidance on air travel during the pandemic¹.

The current patchwork of airline mask policies have failed to ensure access for people with disabilities. Recently, NDRN was made aware by the Disability Law Center of Alaska, Alaska's P&A, of a situation where Alaska Airlines refused to provide travel to an individual who cannot wear a mask because of his disability and needed to fly from Anchorage to Seattle for follow up care on an organ transplant procedure. Alaska Airlines cited its mask policy which provides no exemptions for people with disabilities

¹ <https://www.ndrn.org/wp-content/uploads/2020/08/NDRN-Runway-to-Recovery-Response.pdf>

as its reason for refusing to provide an accommodation. This individual lost access to crucial medical care because airlines are being permitted to discriminate in violation of the ACAA. This is just one example of how the absence of leadership from the U.S. Department of Transportation threatens both the health and civil rights of people with disabilities.

Again, NDRN applauds the introduction of this important piece of legislation which will protect people as they travel and help ensure access to transportation for individuals with disabilities. We look forward to working with you to enact this legislation into law. Should you have any questions, please do not hesitate to contact Cyrus Huncharek, Public Policy Analyst, at cyrus.huncharek@ndrn.org.

Sincerely,



Curtis L. Decker
Executive Director